

MODESTO CITY COUNCIL
RESOLUTION NO. 95-1

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT THE MCHENRY AVENUE AND ORANGEBURG AVENUE INTERSECTION

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

SECTION 1. The specifications for traffic signal modifications at the McHenry Avenue and Orangeburg Avenue intersection, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 24, 1995, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 3rd day of January, 1995, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-2

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TRAFFIC SIGNAL MODIFICATIONS AT THE TULLY ROAD AND ORANGEBURG AVENUE INTERSECTION

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

SECTION 1. The specifications for traffic signal modifications at the Tully Road and Orangeburg Avenue intersection, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 24, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 3rd day of January, 1995, by Councilmember McClanahan 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-3

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE ELECTRICAL
DIVISION SHOP MODIFICATIONS

WHEREAS, Resolution No. 94-664, adopted by the Council of the City of Modesto on November 22, 1994, approved the plans and specifications for the electrical division shop modifications; and

WHEREAS, the bids received for the electrical division shop modifications were opened at 11:00 a.m. on December 13, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco-West, Inc., in the amount of \$28,050, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, 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 3rd day of January, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-4

A RESOLUTION ACCEPTING THE REHABILITATION OF STORM WATER LIFT STATION - TULLY AT BRIGGSMORE, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rehabilitation of storm water lift station - Tully at Briggsmore, has been completed by Howk Systems, Inc., in accordance with the contract agreement dated December 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the rehabilitation of storm water lift station - Tully at Briggsmore, be accepted from said contractor, Howk Systems, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$114,380.01, 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 3rd day of January, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-5

A RESOLUTION ACCEPTING THE HETCH HETCHY BIKE PATH, PHASE I, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Hetch Hetchy bike path, phase 1, has been completed by Patch Master of Central California, in accordance with the contract agreement dated November 2, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Hetch Hetchy bike path, phase 1, be accepted from said contractor, Patch Master of Central California; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$178,980.90, 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 3rd day of January, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-6

A RESOLUTION ACCEPTING THE MCHENRY AVENUE WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the McHenry Avenue waterline, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated August 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the McHenry Avenue waterline, be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$76,159.00, 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 3rd day of January, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayo, Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-7

A RESOLUTION REVISING THE BID, AWARD AND ACCEPTANCE PROCESS ON FORMALLY BID CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS, AND AUTHORIZING THE CITY MANAGER TO AUTHORIZE CALL FOR BIDS ON CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, the City Council annually approves a Capital Improvement Program (CIP) for implementation during the approaching fiscal year, and

WHEREAS, as the design of approved CIP projects is completed, staff takes the projects to Council for action, and

WHEREAS, City staff has suggested modifying the current procedure to reduce the steps involved in the bid, award and acceptance process on formally bid CIP projects, and

WHEREAS, at a meeting of the Financial Policy Committee held on December 7, 1994, the Committee considered the two alternatives that were being recommended by City staff, and the Committee endorsed Alternative II, and

WHEREAS, by a report to the Council dated December 14, 1994, from the Public Works and Transportation Director, the two alternatives were also presented to the Council for modifying the current procedure to reduce the steps involved in the bid, award and acceptance process on formally bid CIP projects, a copy of the report which sets forth the two alternatives is attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby approve Alternative II, as recommended by City staff and the Financial Policy Committee, modifying the current procedure to reduce the steps involved in the bid, award and acceptance process on formally bid CIP projects. Alternative II reads as follows:

ALTERNATIVE II.

- Step 1. Staff completes plans and specifications, and proceeds with the call for bids, including the bid opening. Council would then approve the award of the contract.
- Step 2. Council accepts the project as complete and authorizes the filing of a Notice of Completion.

BE IT FURTHER RESOLVED that in conjunction with the above, the City Council hereby grants the City Manager authority to call for bids on Capital Improvement Projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-8

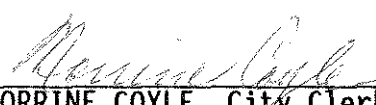
A RESOLUTION APPROVING AN AMENDED EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY ATTORNEY TO INCLUDE REFERENCE OF A CAR ALLOWANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended employment agreement between the City of Modesto and the City Attorney to include reference of a car allowance be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended employment 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 3rd day of January, 1995, by Councilmember McClanahan , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-9

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY CLERK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the employment agreement between the City of Modesto and the City Clerk, consolidating the duties and obligations in one document be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said employment 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 3rd day of January, 1995, by Councilmember McClanahan , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-10

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO PROVIDE \$635,000 IN FUNDING FOR THE COUNTY LIBRARY FOR FISCAL YEAR 1994-95

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to provide \$635,000 in funding for the County Library for fiscal year 1994-95 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 3rd day of January, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk
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MODESTO CITY COUNCIL
RESOLUTION NO. 95-11

A RESOLUTION DESIGNATING THE STATE THEATER AT
1307 J STREET AS A MODESTO LANDMARK
PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX 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 November 21,
1994, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, in which the Landmark Preservation
Commission found and recommended in their Resolution No. 26, that
the State Theater at 1307 J 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 are economically
feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact and
capable of restoration.
4. The existing and proposed uses are compatible with
the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on January 10,
1995, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the
State Theater at 1307 J 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 at 1307 J Street is more
particularly described in Exhibit "A" attached hereto and
incorporated herein by reference.

BE IT FURTHER RESOLVED that the State Theater at 1307 J
Street has historic, architectural, archaeological, cultural,
engineering or aesthetic significance and is hereby designated a
Landmark Preservation Site for the following reasons:

1. The theater is architecturally significant as an
example of Art Deco architecture and interior
design. It was constructed by Harry Brown in
1934.
2. The existing and proposed uses are economically
viable for this building.

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.

EXHIBIT "A"

STATE THEATER
APN 105-16-08

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 17, 18, 19, 20, 21, 22 and 23 in Block 107 of the CITY OF MODESTO, as per map filed December 21, 1942, in Volume 15 of Maps, Stanislaus County Records.

EXCEPTING THEREFROM all that portion thereof conveyed to Mary Aline Hawkins, a married woman, by Deed recorded February 11, 1949 in Book 961 of Official Records, at Page 84, Stanislaus County Records, more particularly described as follows:

THE WESTERLY 40.00 feet of Lots 17 to 23 inclusive, in Block 107 of the CITY OF MODESTO, as per map filed December 21, 1942, in Book 15 of Maps, Stanislaus County Records.

EXCEPTING that portion of Lots 21, 22 and 23 described as follows:

BEGINNING at the most Westerly corner of Lot 23; thence North 46° 30' 30" East along the North line of said Lot 23, 40.00 feet; thence South 43° 29' 30" East, 63.00 feet; thence South 46° 30' 30" West, 10.00 feet; thence North 43° 29' 30" West, 48.00 feet; thence South 46° 30' 30" West, 30.00 feet; thence North 43° 29' 30" West along the West line of Lot 23, 15.00 feet, to the point of beginning.

ALSO EXCEPTING THEREFROM all that portion thereof conveyed to Tom Giahos and Dorothy Giahos, husband and wife, by Deed recorded July 5, 1949 in Book 978 of Official Records, at Page 20, more particularly described as follows:

ALL THAT PORTION of Lots 17 to 23 inclusive, of Block 107 of the CITY OF MODESTO, described as follows:

BEGINNING at the most Easterly corner of Lot 17; thence North 43° 29' 30" West along the Easterly line of Lots 17 to 23 inclusive, 159.91 feet; thence South 46° 30' 30" West, parallel to the Northwesterly line of Lot 23 and distant Southerly 15.00 feet therefrom, 50.19 feet; thence South 43° 31' 30" East, 159.51 feet, to a point on the Southeasterly line of Lot 17; thence North 46° 30' 30" East along said Southeasterly line of Lot 17, 50.11 feet, to the point of beginning.

EXCEPTING THEREFROM the following described parcel:

COMMENCING at the most Northerly corner of Lot 23; thence South 43° 29' 30" East along the Northeasterly line of Lot 23, 15.00 feet; thence South 46° 30' 30" West, parallel to the Northwesterly line of said Lot 23, 40.19 feet, to the true point of beginning of this description; thence continuing South 46° 30' 30" West, 10.00 feet; thence South 43° 31' 30" East, 47.22 feet; thence North 46° 30' 30" East, 6.00 feet; thence North 43° 31' 30" West, 13.34 feet; thence North 46° 30' 30" East, 4.00 feet; thence North 43° 31' 30" West, 33.88 feet, to the true point of beginning of this description.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-12

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(346), AS AN
ADDITION AND AN AMENDMENT TO P-D(346).
(TERRY L. MUNDY)

WHEREAS, a verified application for an amendment to
Section 12-3-8 of the Zoning Map was filed by the Terry L. Mundy
on September 26, 1994, to rezone from Low Density Residential
Zone, (R-1), to Planned Development Zone, P-D(346), as an
addition and an amendment to P-D(346), to allow an expansion of
the English Oaks Convalescent Hospital to provide offices,
classrooms and maintenance facilities, property located on the
north side of West Rumble Road west of Conant Avenue, described
as follows:

R-1 to P-D(346)

All that certain real property situate in a portion of
the Southwest quarter of Section 12, Township 3 South,
Range 8 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follows:

Beginning at the Northeast corner of Parcel "A" as
shown on that certain official Parcel Map filed in the
office of the Recorder of Stanislaus County,
California, on February 29, 1984, in Volume 35 of
Parcel Maps, at Page 2; thence along the northern
prolongation of the east line of said Parcel "A" North
0° 15' 05" West 25.00 feet to the north line of 25.00-
foot-wide part width English Oaks Drive also as shown
on said Parcel Map recorded in volume 35 of Parcel
Maps, at Page 2; thence along the eastern prolongation
of the north line of said part width English Oaks Drive
North 89° 21' 15" East 80.00 feet; thence leaving the
eastern prolongation of the north line of half-width
English Oaks Drive, South 0° 15' 05" East 240.00 feet
to the north line of original 40.00-foot-wide West
Rumble Road; thence along said north line, South 89°
21' 15" west 80.00 feet to the southern prolongation of

said east line of aforementioned Parcel "A", thence along said southern prolongation North 0° 15' 05" West 10.00 feet to the Southeast corner of said Parcel "A"; thence along said east line of Parcel "A" North 0° 15' 05" West 205.00 feet to the point of beginning of this description.

Including also all of the north 20.00 feet of the original 40.00-foot-wide West Rumble Road immediately adjacent to the above-described property.

WHEREAS, after a public hearing on November 21, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 94-57, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The convalescent hospital is a low intensity use that is compatible with the medium density residential potential for the Rumble Road area.
2. The expanded site plan allows for good on-site/off-site traffic circulation and provides more than the minimum number of required off-street parking spaces for the convalescent facility.

WHEREAS, after a public hearing held on January 10, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Terry L. Mundy for an addition and an amendment to 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. 94-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2939-C.S. on the 10th day of January, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition and an amendment to P-D(346).

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(346), as an addition and an amendment to P-D(346), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "English Oaks Business Extension" as amended in red, stamped approved by the City Council on January 10, 1995.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the east and north property lines. 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-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along a portion of the east property line not adjacent to driveways or parking spaces.
 - b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, adjacent to off-street parking and driveway areas.
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 Public Works 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 Public Works 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 Public Works 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 the Public Works and Transportation Director.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
11. All signs shall comply with the sign requirements of the R-2 Zone.
12. All conditions of City Council Resolution Nos. 83-830 and 87-36 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(346), as an addition and an amendment to P-D(346):

The entire construction program be accomplished in one phase, construction to begin on or before November 21, 1997, and completion to be not later than November 21, 1998.

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 X of the Modesto Municipal Code relating to Planned Development Zone 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(346), as an addition and an amendment to P-D(346), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department

MODESTO CITY COUNCIL
RESOLUTION NO. 95-13

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(346) AS AN ADDITION AND AN AMENDMENT TO P-D(346).
(TERRY L. MUNDY)

WHEREAS, on October 19, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition and an amendment to Planned Development Zone, P-D(346), property located on the north side of West Rumble Road west of Conant Avenue might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-14

A RESOLUTION ACCEPTING THE SONOMA TRUNK SEWER FROM FLOYD AVENUE TO SYLVAN AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue, has been completed by Delta Excavating, Inc., in accordance with the contract agreement dated February 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue be accepted from said contractor, Delta Excavating, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$506,122.04, 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 January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-15

A RESOLUTION ACCEPTING THE LAKEWOOD TRUNK SEWER FROM BRIGGSMORE AVENUE TO SYLVAN AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue, has been completed by Delta Excavating, Inc., in accordance with the contract agreement dated March 9, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue be accepted from said contractor, Delta Excavating, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$831,153.63, 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 January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-16

A RESOLUTION ACCEPTING THE WATERLINE CONSTRUCTION AND AUTOMATED TRAFFIC MANAGEMENT SYSTEM INTERCONNECT ON CARPENTER ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterline construction and automated traffic management system interconnect on Carpenter Road, has been completed by Ksenco Construction, Inc., in accordance with the contract agreement dated August 2, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the waterline construction and automated traffic management system interconnect on Carpenter Road be accepted from said contractor, Ksenco Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$103,321.40, 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 January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-17

A RESOLUTION APPROVING THE ADOPTION OF A
PILOT GRAFFITI ABATEMENT PROGRAM.

WHEREAS, a new ordinance amending Article 4 and 5 of Chapter 12 of the Modesto Municipal Code went into effect on January 1, 1995, and

WHEREAS, one section of the new ordinance requires property owners to remove graffiti from their property within 3 days instead of 15 days, and

WHEREAS, as a means of implementing the new ordinance, and to take a more aggressive approach to graffiti, the Community Development Department is proposing the adoption of a new graffiti abatement program for private property, as set forth in a report to the City Council from the Community Development Department, dated December 20, 1994, a copy of which report is attached hereto as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts a Graffiti Abatement Program, as set forth in said report to the City Council from the Community Development Department, dated December 20, 1994, a copy of which report 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 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

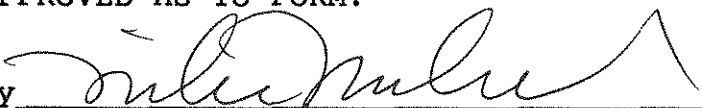
NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney



CONSENT
December 20, 1994

TO: MAYOR AND CITY COUNCIL
FROM: COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: GRAFFITI ABATEMENT PROGRAM

RECOMMENDED ACTION:

Resolution approving adoption of graffiti abatement program and a resolution approving the necessary budget adjustment.

BACKGROUND:

On January 1, 1995 a new ordinance amending Article 4 and 5 of Chapter 12 of the Municipal Code went into effect. One section of the new ordinance requires property owners to remove graffiti from their property within 3 days instead of 15 days.

As a means of implementing the new ordinance, and to take a more aggressive approach to graffiti, the Community Development Department is proposing the adoption of a new graffiti abatement program for private property.

While graffiti on public and utility property is removed in a relatively rapid manner, the removal of graffiti on private property has proven more difficult. Under the previous 15-day time limit, victims of graffiti were visited by NPU Code Enforcement Officers and urged to remove the graffiti. Free recycled paint or paint vouchers were offered, and in some cases volunteers were recruited to paint out large areas. These inducements for the owner to remove the graffiti themselves will remain under the new program. What is different is that this proposal involves the City actually removing the graffiti itself.

Several properties around town are repeated graffiti victims, and some property owners have been slower to paint over the graffiti. Owners who did not meet the old 15-day deadline could be taken to court by the City. Now, with a 3-day deadline, it does not seem to be a wise use of time to try judicial enforcement against property owners who, by right, should be considered crime victims.

DISCUSSION:

This proposed program recognizes graffiti as a City-wide program demanding a City-wide response. It addresses the need for a rapid paint over of graffiti by authorizing the painting of private property by contract employees (with the owner's permission).

Under the proposed program, the City will hire two painters through a temporary employment agency. The employees will work a Sunday to Thursday shift so that they can paint over graffiti applied during the weekend. They will be dispatched by the Neighborhood Preservation Unit (NPU), who will give them assignments on a daily basis. A graffiti phone number (571-5103) will be answered 24 hours per day. The City will also provide vehicles and equipment and the painters will be responsible for painting over graffiti on a daily basis.

The painters will carry a standard palette of five colors. Upon arrival at a graffiti location, the painter will contact the owner or representative of the owner and indicate that the graffiti must be removed in three days. They will also offer to remove the graffiti immediately using one of the standard colors. If the owner desires a different color, a paint voucher will be issued and the painter will offer to return within three days, if desired.

To receive the paint-out, the owner or their representative will be required to sign a release covering this and any future required graffiti paint-out. If the release is not signed, a 3-Day Notice to Abate will be left on the property. The Notice also offers an administrative hearing to show cause why the graffiti should not be abated. If the graffiti is not removed within three days, Department staff will request that the City Attorney's Office seek Abatement Warrants from the Municipal Court. Upon receipt of the warrants, the City will paint out the graffiti. The new ordinance allows the City to charge back the cost for those paint-outs to the property owner.

This is intended to be a pilot program only, operating through June of 1995. It is estimated that \$25,000 will be needed to operate this program for a six-month period. The budget amendment for \$25,000 will be drawn from existing operating accounts in both CDBG and the Neighborhood Preservation Unit (General Fund) budgets.

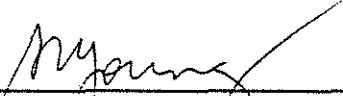
REASONS FOR RECOMMENDATION:

The current process for removing graffiti from private property is too slow to be effective. It is understood that only the rapid removal of graffiti can be effective in staying ahead of this spreading visual blight. The new ordinance requires a faster response than is possible under current conditions. Given that this problem affects the entire community, it is appropriate that the entire community, through the City, respond.

STEPS FOLLOWING APPROVAL:

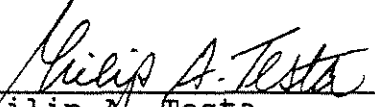
The City will contract with a local Temporary Employment Agency to hire two painters. Vehicles will be secured from the equipment pool and outfitted with paint supplies. Promotion of the new service will be made through utility mailers and the Chamber of Commerce Newsletter.

Prepared By:



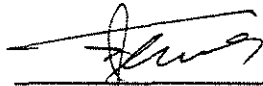
Stephen L. Young
Housing and Neighborhoods Manager

Recommended By:



Philip A. Testa
Community Development Director

Submitted By:



J. Edward Tewes
City Manager

SLY

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director
Neighborhood Preservation Supervisor
Modesto Chamber of Commerce

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 95-18

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO APPROVE ADOPTION OF THE GRAFFITI ABATEMENT PROGRAM.

WHEREAS, the Graffiti Abatement Program is a pilot program to be funded for six months at an estimate of \$25,000.

WHEREAS, these funds will be drawn from existing operating and revenue accounts from the Community Development Block Grant and Neighborhood Preservation Unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

APPROPRIATION/REVENUE ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
CDBG-Housing Rehabilitation				
Appropriations:				
113-140-1456-0235	Professional Services, Other	45,000	(19,160)	25,840
113-700-7000-7010	Transfer Out	97,720	19,160	116,880
Neighborhood Preservation Unit				
Revenue:				
010-140-1405-2214	Outdoor Promotions	0	1,540	1,540
010-700-7000-9113	Transfer In	97,720	19,160	116,880
Appropriations:				
010-140-1405-0110	Salaries	177,388	(2,800)	174,588
010-140-1405-0209	Training	1,900	(500)	1,400
010-140-1405-0218	Equipment Rental	8,278	2,996	11,274
010-140-1405-0223	Repair & Mtc, Outside Forces	1,775	(500)	1,275
010-140-1405-0235	Professional Services, Other	3,000	21,504	24,504

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-19

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GARRAD W. MARSH, et al., FOR THE ACQUISITION OF PERMANENT AND TEMPORARY SEWER EASEMENTS IN EXCESS LAND FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Garrad W. Marsh, et al., for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood sewer trunk project 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 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-20

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MCHENRY BOWL, et. al., FOR THE ACQUISITION OF PERMANENT AND TEMPORARY SEWER EASEMENTS IN EXCESS LAND FOR THE LAKEWOOD SEWER TRUNK PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and McHenry Bowl, et. al., for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood sewer trunk project 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 10th day of January, 1995, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-21

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND DELINDA D. CHAVEZ-BOUCHE' FOR THE PURPOSE OF REHABILITATING HER PROPERTY AT 2225 CROMMELIN AVENUE PURSUANT TO MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Delinda D. Chavez-Bouche' for the purpose of rehabilitating her property at 2225 Crommelin Avenue pursuant to Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said financing 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 10th day of January, 1995, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-22

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT STATE ROUTE 132 (D STREET) AND 11TH STREET INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the cooperative agreement between the City of Modesto and Caltrans for the construction of a traffic signal at State Route 132 (D Street) and 11th Street intersection 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 10th day of January, 1995, by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-23

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$90,000 FOR
CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT STATE ROUTE 132 AND 11TH STREET
INTERSECTION

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: T.S. Design/Construction New Traffic Signal \$90,000
(141 160 E469)
TO: S.R. 132 (D Street)/11th St. New Traffic Signal \$90,000
(141 160 E615)

Funds are needed for the City's share to construct a new traffic
signal at State Route 132 (D Street) and 11th Street intersection.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 10th day of January,
1995, by Councilmember Dobbs , who moved its adoption, which motion
being duly seconded by Councilmember Muratore , was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Check
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MODESTO CITY COUNCIL
RESOLUTION NO. 95-24

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:

Communications and Marketing Manager

Public Information Technician

The revised specifications for the classification of Communications and Marketing Manager (Range 438), as shown on the attached Exhibit "A", and Public Information Technician (Range 119), as shown on the attached Exhibit "B", 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Public Information Officer

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after January 10, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

COMMUNICATIONS AND MARKETING MANAGER

DEFINITION

To plan, coordinate, and implement comprehensive communications, marketing and community relations programs; to coordinate assigned activities with other City departments, community organizations and the public; and to provide responsible and complex staff support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager and/or Deputy City Manager.

Exercises supervision over professional, technical and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Coordinate the City's marketing and media communications program, including public information and community relations.

Act as Public Information Officer, including preparation of press releases, press conferences, and press briefings.

Assist in decision-making and the strategic planning of the City's promotions, marketing, and public information programs.

Respond to citizens, community groups, City staff, and news media requests for information.

Represent the City Manager at meetings relating to local and regional issues.

Direct the preparation of the City's Annual Report to the People, City's quarterly newsletter, bill inserts, and advertising promotions. Oversee and participate in the writing, editing, layout, photography, placement, scheduling and coordination of printing and distribution.

Direct and promote the activities of the City's customer services programs; coordinate responses to citizen complaints/inquiries.

Develop and host cable television productions and oversee script writing, obtaining guests, and coordinating with production staff.

Coordinate the media contacts and marketing efforts of other City departments; provide assistance to departments and City staff in the development of publications, promotional materials and oral presentations.

Plan and present training relating to communications, media contacts, City image and customer service.

Conduct surveys, perform research and analyze results; prepare timely reports, correspondence and documents for the City Manager and City Council.

Prepare the division budget; assist in budget implementation; participate in the forecast of additional funds.

Serve as staff to City Council-appointed commissions or committees, including the Community Qualities Forum.

Develop and implement methods and materials to promote special events sponsored by the City or its departments.

Respond to requests from organizations or individuals relating to the City's Speaker's Bureau.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

The role of a comprehensive public information program in local government and associated marketing and promotional techniques.

Principles, practices and techniques involved with public information and community relations programs, including writing, graphic arts, audio visual productions and photography.

Effective methods of preparation and presentation of facts and information for and to the public and media, including formatting of materials for publications and news releases.

Recent developments, information sources and techniques in the field of communications, marketing, public relations and public administration.

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

Principles and practices of budget preparation and administration.

Principles of supervision and training.

Ability to:

Exercise independent judgment in identifying and responding to public and City Council issues and concerns; handle difficult situations with tact and diplomacy.

Articulate concepts verbally and in writing in clear, concise and accurate language.

Make effective professional presentations to both individuals and public groups.

Analyze, evaluate and make recommendations for public information and community relations programs.

Maintain work effectiveness; meet deadlines with frequent changes in workload and priority assignments.

Review and analyze marketing, public information and community relations issues; recommend and implement effective courses of action.

Assist in accomplishment of City goals and objectives.

Interpret and apply, Federal, State and local policies, procedures, laws and regulations.

Develop and maintain cooperative relationships with community organizations, agencies, business and professional associations, service clubs and the media.

Prepare and administer the public information budget.

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 increasingly responsible professional experience in public relations, public information, or communications.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in marketing, public relations, journalism, communications or a related field.

Licenses:

Possession of a valid California driver's license.

PUBLIC INFORMATION TECHNICIAN

DEFINITION

To perform technical work in the area of internal and external communications, marketing and public information including writing, graphics, and video presentations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from management staff, department head, or City Manager as appropriate.

EXAMPLES OF DUTIES

Plan and prepare publications for programs, publications and special events.

Assist in planning and coordinating public events, publications, and marketing programs.

Respond to the public, City staff, radio, television and print media requests for information as directed.

Write, edit and distribute news releases.

Compose and type letters, columns and articles; submit articles and photographs to the City's Communications and Marketing Manager for specialty publications.

Create communications using art, photography and layout for brochures, booklets, reports, institutional advertisements and periodical publications.

Plan and coordinate video presentation projects using storyboarding and script-writing techniques.

Coordinate specialized printing with other City departments and outside printing shops.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

City programs, policies and procedures.

Public information and community relations program development and implementation.

Knowledge of (Continued):

Effective methods of preparation and presentation of facts and information for and to the public and the media, including formatting of materials for publications and news releases.

Statistical methods of graphic representation.

Operations and functioning of local media such as newspaper, radio and television.

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

State and City regulations relating to information releasability.

Ability to:

Understand and carry out oral and written instructions.

Learn and apply departmental and citywide policies.

Maintain routine positive working relationships with various members of the media and City staff.

Communicate effectively, both orally and in writing.

Prepare accurate and grammatically correct written reports.

Compose and type news releases, newsletters and bulletins.

Write, edit, design and photograph.

Use Macintosh and other computer graphic systems and software to automate and create publications and communications.

Understand concepts relating to marketing and public information.

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: Two years experience in public information, communications, graphics, or journalism.

Training: Equivalent to an Associate's Degree from an accredited college or university with major course work in public relations, communications, journalism, multi-media or a related field.

License or Certificate: Possession of an appropriate, valid California Driver's License.

2004
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MODESTO CITY COUNCIL
RESOLUTION NO. 95-25

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 94-410 TO AMEND THE CLASS
RANGE TABLE TO ESTABLISH A SALARY RANGE FOR
COMMUNICATION AND MARKETING MANAGER.

WHEREAS, Exhibit "A" of Resolution No. 94-410 has been
previously amended by Resolution Nos. 94-492, 94-541, and 94-
719, and

WHEREAS, the City Council desires to further amend
Exhibit "A" of Resolution No. 94-410,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City Of Modesto Class Range Table
Management And Confidential Non-Sworn Classes Effective June 28,
1994" attached to Resolution No. 94-410, 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 10, 1995", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" adopts class specifications for Communication and
Marketing Manager (Range 438) and abolishes class specifications
for Public Information Officer (Range 435).

SECTION 2. EFFECTIVE DATE.

This resolution shall become effective on and after
January 10, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective January 10, 1995

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor Office Services Supervisor
421	

Class Range Table

Management and Confidential Non-Sworn Class

Page 2

422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Police Records Supervisor Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Assistant Equipment Maint. Supt. Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist
436	Senior Planner
437	
438	Equipment Maintenance Supt. Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Business Development Officer Parks Planning and Development Manager Communication and Marketing Manager
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441 Community Development Program Manager
Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Maintenance Supt.
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Urban Forestry Superintendent
Water Superintendent
Building Maintenance Superintendent

442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager

446 Senior Civil Engineer
Traffic Engineer

447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager

448 Sr. Deputy City Attorney II

449

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

450	Deputy Director Public Works - Engineering Deputy Director Public Works - Operations Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-26

A RESOLUTION APPROVING A REVISED CLASS RANGE
TABLE FOR GENERAL NON-SWORN CLASSES, AND
RESCINDING RESOLUTION NO. 91-724.

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

SECTION 1. REVISED CITY OF MODESTO CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES. Exhibit "A" entitled "City of Modesto
Class Range Table General Non-Sworn Classes, Effective
January 10, 1995," which is attached hereto and made a part
hereof as though set forth in full herein, adds the newly created
position of Public Information Technician (Range 119) to the
Class Range Table. Said Exhibit "A" is hereby approved.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after January 10, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective January 10, 1995

RANGE	TITLE
103	Administrative Clerk I Printing Services Operator I
104	
105	
106	
107	Printing Services Operator II Administrative Clerk II Animal Control Officer I Custodian
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Sr. Printing Service Operator Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator

Class Range Table
General Non-Sworn Classes
Page 2

- 116 Code Enforcement Officer II
Equipment Operator
Fire Prevention Technician I
Meter Reader/Repair Worker
Motor Sweeper Operator
Traffic Technician
Traffic Painter
Traffic Sign Worker
Water Line Worker
Wastewater Collection System Operator
- 117 Electrical Technician II
Storm Water Inspector
- 118 Tree Trimmer
Senior Storeskeeper
Street Trees Crewleader
Parking Lot Maintenance Crewleader
Parks Crewleader
- 119 Maintenance Mechanic - Parks
Planning Technician II
Maintenance Mechanic - Pumps
Wastewater Treatment Plant Operator
Civil Engineering Technician I
Building Maintenance Mechanic
Police Administrative Assistant
Public Information Technician
- 120 Welder/Fabricator
Senior Equipment Operator
Fire Prevention Technician II
Equipment Mechanic
Assistant Electrician
Traffic Painter Crewleader
Accountant I
Assistant Lab Technician

121

Class Range Table
General Non-Sworn Classes
Page 3

122 Coach Mechanic
Fire Equipment Mechanic
Tree Trimmer Crewleader
Programmer Analyst I
Industrial Waste Inspector I
Cross Connection Specialist

123 Sr. Wastewater Treatment Plant Operator
Maint. Mech. Crewleader - Pumps
Civil Engineering Technician II
Maint. Mech. Crewleader - Parks

124 Plant Mechanic
Laboratory Technician
Equipment Mechanic Crewleader
Planning Assistant
Equipment Crewleader
Community Development Program Specialist I
Wastewater Collection System Crewleader

125 Crime Analyst

126 Coach Mechanic Crewleader
Building Inspector I
Electrician
Housing Rehab. Specialist I
Housing Financial Specialist
Industrial Waste Inspector II
Senior Fire Equipment Mechanic

127 Civil Engineering Assistant
Landscape Technician

128 Instrument Repair Technician
Programmer Analyst II
Public Improvement Specialist
Community Development Program Specialist II

129

130 Building Inspector II
Construction Inspector
Housing Rehabilitation Spec. II
Hazardous Materials Inspector
Senior Crime Analyst

131 Sr. Civil Engineering Asst.

132

Class Range Table
General Non-Sworn Classes
Page 4

133

134 Senior Building Inspector
 Senior Construction Inspector
 Fire Plan Checker
 Plan Review Engineer

Clk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-27

A RESOLUTION APPROVING THE 1995 PARATRANSIT
PLAN UPDATE.

WHEREAS, the Americans with Disabilities Act of 1990 (ADA) requires every entity which operates fixed-route public transportation (e.g., Modesto Area Express) to provide paratransit service (e.g., Modesto Area Dial-A-Ride) in the manner specified by the regulations promulgated by the Federal Transit Administration (FTA) to implement the ADA, and

WHEREAS, ADA requires an annual update to be submitted each January, and

WHEREAS, consideration of a proposed annual update of the Americans With Disabilities Act of 1990 (ADA) Paratransit Plan, was set for a public hearing of the City Council to be held on January 17, 1995, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said proposed Paratransit Plan Update, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Americans With Disabilities Act of 1990 (ADA) 1995 Paratransit Plan Update, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MPO CERTIFICATION OF PARATRANSIT PLAN

The (_____)
hereby certifies that it has reviewed the ADA paratransit plan update
prepared by (_____)
as required under 49 CFR 37.139(j) and finds it to be in conformance with the
transportation plan developed under 49 CFR part 613 and 23 CFR part 450
(the FTA/FHWA joint planning regulation). This certification is valid for one
year.

signature

name of authorized official

title

date

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY: MODESTO

STATE: CA

1994-1996 ADA PARATRANSIT PLAN TIMETABLE AND PROGRESS REPORT * (Table 1)

1994 1994
UPDATE MILE-
TARGET STONE
DATE MET ?
(MM/YY) (Y/N)

1994 MILESTONE PROGRESS REPORT -- as of Jan. 1995
(Y/N -- period January 26, 1994 - January 25, 1995)

1995
NEW
DATE ?
(MM/YY)

08/01/94 Y Response time-previous day reservation and 14 day advance reservations

12/94

Note: Using Form 2, provide detailed written explanation on milestone slippage greater than one full year (12 months).

* List all 1994-1996 ADA Paratransit Milestones; Then Indicate Progress (Y/N) On Milestones Targeted To Be Achieved Prior To 1/26/95; Include Additional Accomplishments

FORM 2

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

JAN. 95

EXCEPTION REPORT: MILESTONE SLIPPAGE EXPLANATION*

	<i>Target Date</i>	<i>New Target Date</i>
<u>MILESTONE or FULL COMPLIANCE DELAYS:</u>	<u>'94 Update</u>	<u>'95 Update</u>

1. N/A

*Note: A narrative explanation, using Form 2, must accompany Table 1, when there is significant milestone slippage. During the 1994-1996 period, "significant milestone slippage" exists (1) when the target date for Plan full compliance is delayed or (2) when individual milestones slip by a year (a full 12 months). This Form 2 provides a brief example of such a slippage explanation. If there are no milestone or full compliance delays, no explanation is required, and Form 2 can be omitted. [Attach as many additional sheets to this form as needed; you may put this form on your own wordprocessor.]

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY: MODESTO

STATE: CA

REVISED 1995 - 1996 ADA PARATRANSIT PLAN TIMETABLE (Table 2)

1995 - 1996

TARGET DATE

(MM/YY)

ANY REMAINING MILESTONES - JANUARY 1995 UPDATE

1/97

Capacity constraints - when capacity is unavailable, subscription trips are less than 50 percent

ELIGIBILITY, SIX SERVICE CRITERIA, AND FULL COMPLIANCE DATE (Table 3, Page 1)

COMPLIANCE ITEM	IN FULL COMPLIANCE NOW (Y/N)	IF NO, EXPECTED DATE OF FULL COMPLIANCE (MM/YY)
----- ELIGIBILITY PROCESS		
1. Requests for certification being accepted and all aspects of policy (appeals, documentation, etc.) established	Y	_____
2. Compliance with companion and personal care attendant requirements	Y	_____
3. Compliance with visitor requirements	Y	_____
SIX SERVICE CRITERIA		
SERVICE AREA		
4. Service to all origins and destinations within the defined area	Y	_____
5. Coordination with contiguous/overlapping service areas, if applicable	Y	_____
RESPONSE TIME		
6. Requests accepted during normal business hours on "next day" basis	Y	_____
7. Requests accepted on all days prior to days of service (e.g., weekends/holidays)	Y	_____
8. Requests accepted at least 14 days in advance	Y	_____
9. Trips scheduled within one hour of requested pickup time	Y	_____
FARES		
10. No more than twice the base fixed route fare for eligible individuals	Y	_____
11. Compliance with companion fare requirement	Y	_____

COMPLIANCE ITEM	IN FULL COMPLIANCE NOW (Y/N)	IF NO, EXPECTED DATE OF FULL COMPLIANCE (MM/YY)
12. Compliance with personal care attendant fare requirement DAYS AND HOURS OF SERVICE	<u>Y</u>	<u> </u>
13. Paratransit provided during all days and hours when fixed route service is in operation TRIP PURPOSES	<u>Y</u>	<u> </u>
14. No restriction on types of trip purposes	<u>Y</u>	<u> </u>
15. No prioritization by trip purpose in scheduling CAPACITY CONSTRAINTS	<u>Y</u>	<u> </u>
16. No restrictions on the number of trips an individual will be provided	<u>Y</u>	<u> </u>
17. No waiting lists for access to the service	<u>Y</u>	<u> </u>
18. No substantial numbers of significantly untimely pickups for initial or return trips	<u>Y</u>	<u> </u>
19. No substantial numbers of trip denials or missed trips	<u>Y</u>	<u> </u>
20. No substantial numbers of trips with excessive trip lengths	<u>Y</u>	<u> </u>
21. When capacity is unavailable, subscription trips are less than 50 percent DATE TARGETED FOR "FULL COMPLIANCE" WITH ALL "ADA PARATRANSIT" REQUIREMENTS	<u>N</u>	<u>1/26/97</u>
In 1994 Update Submission		<u>08/01/94</u>
In 1995 Update Submission		<u>1/26/97</u>

ADA PARATRANSIT DEMAND AND SERVICE ESTIMATES (Table 4, Page 1)

	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997
DEMAND (No. Trips/Year) (Thousands of One-Way Trips)						
1. ADA Paratransit Trips Provided/Year (000)	<u>47,300*</u>	<u>48,378*</u>	<u>49,580*</u>	<u>50,184</u>	<u>52,080</u>	<u>53,376</u>
2. Total Paratransit Trips Provided/Year (000) (Total ADA and non-ADA)	<u>115,336</u>	<u>115,116</u>	<u>118,779</u>	<u>118,800</u>	<u>118,800</u>	<u>118,800</u>
As the number of ADA trips increase the number of non-ADA will decrease keeping total the same.						
3. Total Paratransit Revenue Hours/Year (000) (Total ADA and non-ADA) [Sec. 15 definition]	<u>32,358</u>	<u>32,108</u>	<u>34,359</u>	<u>34,500</u>	<u>34,500</u>	<u>34,500</u>

In 1991, total paratransit trips (line 2) were: 111,888

*Trips based on staff determination of ADA VS. NON ADA for each time trip made on paratransit.

ADA PARATRANSIT SERVICE: Purchased Transportation.

- 4. For 1994, estimate the number of trips on line 1 that were provided by contracted taxi service: 5161
- 5. For 1994, estimate the number of trips on line 1 that our system purchased (contracted out) rather than provide in-house: 111-100%
(include contracted taxi service from line 4 and other service owned or operated by the contractors)

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY: MODESTO

STATE: CA

ADA PARATRANSIT SERVICE (Table 4, Page 2)

Actual	Proj.
1994	1997

6. SSA Clients. In 1994, estimate the number of trips on line 1, that you provided to clients of local social service agencies (SSA), who prior to the ADA, provided SSA paratransit service for their clients. Provide an estimate for 1997. (Optional)

N/A	N/A
-----	-----

7. Trip Denials. In 1994, estimate the number of requested ADA paratransit trips that were "denied" because of capacity limitations. (Please do not include trips missed because of traffic or vehicle breakdowns, trips negotiated outside the 1 hour window, "no-shows," etc.) How many by 1997? (Required)

129	130
-----	-----

8. Destinations. Clearly, it is discrimination under the ADA to prioritize trip requests based on trip purpose. However, for 1994, please estimate the percent of trips on line 1 that were for the following purposes: (Optional)

Work Trips	_____ %	Food/Shopping	_____ %
Dialysis	_____ %	Medical Trips (Other Than Dialysis)	_____ %
Educational	_____ %	Other Trips	_____ %

Note: Percentages above should total 100%.

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY: MODESTO

STATE: CA

ADA PARATRANSIT CAPITAL & OPERATING BUDGET SUMMARY (Table 5)

(projections in thousands of 1994 dollars)

	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997	6 Year Total 92-97
ADA PARATRANSIT EXPENSES *							
1. Capital Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
2. Operating Expenses	<u>692</u>	<u>620</u>	<u>729</u>	<u>737</u>	<u>746</u>	<u>756</u>	<u>4280</u>
3. Subtotal ADA Paratransit Expenses (sum of lines 1 + 2)	<u>692</u>	<u>620</u>	<u>729</u>	<u>737</u>	<u>746</u>	<u>756</u>	<u>4280</u>
TOTAL PARATRANSIT EXPENSES ** (ADA & Non-ADA combined)							
4. Capital Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
5. Operating Expenses	<u>1108</u>	<u>992</u>	<u>1167</u>	<u>1170</u>	<u>1170</u>	<u>1170</u>	<u>6777</u>
6. TOTAL PARATRANSIT EXPENSES (sum of lines 4 and 5)	<u>1108</u>	<u>992</u>	<u>1167</u>	<u>1170</u>	<u>1170</u>	<u>1170</u>	<u>6777</u>

IN 1991, TOTAL PARATRANSIT COSTS (Line 6) FOR OUR TRANSIT SYSTEM WERE \$920,334.00

* Using a ratio to break out ADA from total paratransit expenses is acceptable. Do not include any ADA fixed-route costs.

** If non-ADA paratransit service is provided, add ADA to non-ADA costs to obtain Total Paratransit Expenses.

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY:MODESTO

STATE: CA

TOTAL TRANSIT SYSTEM COST ESTIMATES (Table 6)
 (projections in thousands of 1994 dollars)

	Actual	Actual	Actual	Est.	Proj.	Proj.	6 Year
TOTAL TRANSIT SYSTEM COSTS *	1992	1993	1994	1995	1996	1997	Total

1. Capital Expenses	<u>635</u>	<u>1141</u>	<u>403</u>	<u>1400</u>	<u>1589</u>	<u>200</u>	<u>5638</u>
2. Operating Expenses	<u>4577</u>	<u>5580</u>	<u>5451</u>	<u>5615</u>	<u>5783</u>	<u>5957</u>	<u>32,963</u>
3. TOTAL SYSTEM COSTS (lines 1 + 2)	<u>5212</u>	<u>6221</u>	<u>5854</u>	<u>7015</u>	<u>7372</u>	<u>6157</u>	<u>38,601</u>
4. ADA PARATRANSIT EXPENSES (line 3, Table 5)	<u>692</u>	<u>620</u>	<u>729</u>	<u>737</u>	<u>746</u>	<u>756</u>	<u>4,280</u>
5. ADA PARATRANSIT AS PERCENT OF TOTAL COSTS (line 4 divided by line 3)	<u>13 %</u>	<u>9 %</u>	<u>12 %</u>	<u>11 %</u>	<u>10 %</u>	<u>12 %</u>	<u>11 %</u>

IN 1991, TOTAL SYSTEM COSTS (line 3) FOR OUR TRANSIT SYSTEM WERE \$ 4270

* Total transit system costs encompass all system costs, not just ADA-related costs. These transit system costs must include:
 (1) all fixed-route costs (bus, rail, etc.), plus (2) all paratransit expenses (ADA and non-ADA).

ADA ACCESSIBILITY: FIXED-ROUTE BUSES (Table 7)

	Actual 1990	Actual 1991	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997
BUSES IN ACTIVE FLEET								
1. Total Number of Buses	<u>34</u>	<u>34</u>	<u>34</u>	<u>34</u>	<u>34</u>	<u>34</u>	<u>37</u>	<u>39</u>
2. Buses Without Lifts/Ramps	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>7</u>	<u>7</u>	<u>0</u>
3. Buses With Pre-ADA Lifts/Ramps	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>
4. Buses With ADA Lifts/Ramps (meets Part 38 lift specifications)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>13</u>	<u>16</u>	<u>25</u>
(Note: The sum of lines 2, 3, and 4 should equal line 1.)								
5. Percent With Lifts/Ramps (sum of lines 3 and 4, divided by line 1)	<u>41 %</u>	<u>41 %</u>	<u>41 %</u>	<u>41 %</u>	<u>41 %</u>	<u>79 %</u>	<u>81 %</u>	<u>100 %</u>

For 1994, provide an approximate estimate of the number of boardings where lifts/ramps were deployed on the fixed-route system: 1,208

For an average day, can you estimate the total number of persons with any disabilities that use your fixed-route service? (Do not include customers who normally use ADA paratransit service.) (Optional): Not Available

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY: MODESTO

STATE: CA

TOTAL "PARATRANSIT" VEHICLES USED BY YOUR SYSTEM ^ (Table 8)

TOTAL NUMBER IN ACTIVE FLEET	Actual 1991	Actual 1992	Actual 1993	Actual 1994	Est. 1995	Proj. 1996	Proj. 1997
1. All Paratransit - Vans and Minivans ^	<u>10</u>	<u>10</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
2. All Paratransit - Buses ^	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
3. Paratransit - Sedans/Wagons ^ (other than taxis)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
LIFT-EQUIPPED PARATRANSIT VEHICLES							
4. Paratransit - Buses, Vans and Minivans ^ (with lifts/ramps from lines 1 and 2)	<u>8</u>	<u>8</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>
CONTRACTOR VEHICLES							
5. For 1994, from lines 1 and 2, estimate the number of buses, vans, and minivans, etc., "OWNED" by your contractors that routinely provide paratransit (ADA and non-ADA) for your system.				<u>12</u>			
Please estimate 1997		<u>12</u>					

^ Please include all dedicated paratransit vehicles (ADA or non-ADA service combined) used on your system. Include all paratransit vehicles your system owns or leases, as well as vehicles used from your contractors' fleet. Do not include any accessible vehicles used on the fixed-route.

SYSTEM NAME: MODESTO AREA DIAL-A-RIDE

CITY: MODESTO

STATE: CA

YOUR ADA "PARATRANSIT" CUSTOMERS (Table 9)
(Please Make An Estimate Based On Actual Eligibility Determinations)

1. By 1994, how many persons had been certified as ADA paratransit eligible by your system?

357

By 1997, please project how many people will be certified?

450

2. Using the 1990 Census, what is the total population of your service area?

191,400

3. Of those certified, can you estimate the percent who are ages... (Optional)

0 to 16 years old _____%

17 to 61 _____%

62 to 70 _____%

Over 70 _____%

4. Of those eligible for ADA paratransit, how many are employed? (Optional)

5. Of those ADA paratransit eligible, what percent have as their most limiting or qualifying impairment... (Optional, should total 100%)

Sensory Impairments (Visual, Hearing)

_____ %

Mobility Impairments Requiring Adaptive Devices (Devices: Wheelchairs, Walkers, etc.)

_____ %

Mental, Cognitive or Developmental Impairments (including Alzheimers)

_____ %

Health Impairments (Heart Disease, MS, CP, Arthritis, Kidney Dysfunction, etc.)

_____ %

MODESTO CITY COUNCIL
RESOLUTION NO. 95-28

A RESOLUTION GRANTING THE APPEAL OF MODESTO SHERWOOD FOREST HOMEOWNERS ASSOCIATION, INC., TO A BOARD OF ZONING ADJUSTMENT DECISION REGARDING THE APPLICATION OF MELENDEZ DESIGN GROUP FOR A CONDITIONAL USE PERMIT IN THE C-3 ZONE TO ALLOW REPLACEMENT OF THE EXISTING CHEVRON SERVICE STATION WITH A NEW CONVENIENCE STORE AND AUTO SERVICE CENTER LOCATED AT 3300 MC HENRY AVENUE, ON THE NORTHEAST CORNER OF MC HENRY AVENUE AND ROBIN HOOD DRIVE.

WHEREAS, an application for a conditional use permit for replacement of a service station with a new convenience store and auto service center with covered gas pump island at 3300 McHenry Avenue, at the northeast corner of McHenry Avenue and Robin Hood Drive, was filed by Melendez Design Group on October 12, 1994, and

WHEREAS, Sections 10-1.202(a) and 10-2.2503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on December 15, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, on December 15, 1994, by Resolution No. 1543, the Board of Zoning Adjustment granted said application, subject to certain conditions, for a conditional use permit in the C-3 Zone to allow a new convenience store along with an auto service center and covered gas pump island, located at 3300 McHenry Avenue on the northeast corner of Mc Henry Avenue and Robin Hood Drive, and

WHEREAS, by letter dated December 22, 1994, which was received in the City Clerk's Office on December 27, 1994, from the Modesto Sherwood Forest Homeowners Association, Inc., an appeal to the decision of the Board of Zoning Adjustment was filed with the City Clerk, and

WHEREAS, said appeal was set for a public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to be held at 7:00 p.m. on January 17, 1995, and

WHEREAS, on January 17, 1995, at 7:00 p.m., in the City Council Chambers, 801 11th Street, Modesto, California, the Council held said public hearing on said appeal, and

WHEREAS, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined that the appeal of the Modesto Sherwood Forest Homeowners Association, Inc., to the decision of the Board of Zoning Adjustment, should be granted, for the following reasons:

1. The site is immediately adjacent to an established residential neighborhood and the adverse secondary side effects associated with convenience stores and alcohol sales, such as increased traffic congestion, noise, and crime, make this proposed use incompatible with the nearby and adjacent residential uses.
2. There is no need for an additional convenience store in this neighborhood because the area is already adequately served by convenience stores located one block south and three blocks north on McHenry Avenue.

3. Approval of this proposed use would establish a convenience store too close to a residential area without the logic of it being at the intersection of a major street and either another major street or a collector street.
4. For all of the reasons set forth above, the social and public advantages of the proposed use are outweighed by the disadvantages associated with the proposed use. And, in order to protect the public health, safety, and welfare, the appeal is granted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, for the reasons set forth above, the decision of the Board of Zoning Adjustment, which granted an application for a conditional use permit in the C-3 Zone to allow a new convenience store along with an auto service center and covered gas pump island, located at 3300 McHenry Avenue on the northeast corner of Mc Henry Avenue and Robin Hood Drive, is hereby overruled, and the appeal of the Modesto Sherwood Forest Homeowners Association, Inc., to the decision of the Board of Zoning Adjustment, is hereby granted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

clerk

CORRECTED 5-19-95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-29

A RESOLUTION OF APPLICATION BY THE COUNCIL OF
THE CITY OF MODESTO REQUESTING THE LOCAL
AGENCY FORMATION COMMISSION TO TAKE
PROCEEDINGS FOR THE JENNINGS ROAD NO. 2
REORGANIZATION TO THE CITY OF MODESTO.
(COUNCIL INITIATED - UNINHABITED)

WHEREAS, the Council of the City of Modesto desires to
initiate proceedings pursuant to the Cortese-Knox Local
Government Reorganization Act of 1985, Division 3, as revised
November 1994, commencing with Section 56000 of the California
Government Code, for the Jennings Road Reorganization No. 2 to
the City of Modesto, and

WHEREAS, notice of intent to adopt this resolution of
application has not been given to each interested and each
subject agency, and

WHEREAS, the territory proposed to be annexed is
uninhabited, and a description of the boundaries of the territory
is set forth in Exhibit "A" attached hereto and by this reference
incorporated herein, and

WHEREAS, the area proposed to be annexed is not within
the sphere of influence of any city, 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 to the City of Modesto;
- (b) The detachment of said territory from the Westport Fire Protection District; and

(c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Jennings Road No. 2 Reorganization to the City of Modesto is to provide for a co-composting operation at the Sewerage Treatment Facility and to ensure any future improvements or additional processing operations conducted on site are done within the City limits, and

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the proposed reorganization might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the reorganization, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "B" attached hereto and by this reference incorporated herein, and

WHEREAS, the Modesto Community Development Department, Community Services Division, shall be the chief petitioner,

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

1. The City Council has reviewed and considered the negative declaration proposed by the Environmental Assessment Committee including the comments received in response to such proposed negative declaration.
2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

BE IT FURTHER RESOLVED by the Council that this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the reorganization of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985, as revised November 1994.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the executive officer of the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County

proceed with the Jennings Road Reorganization No. 2.

BE IT FURTHER RESOLVED by the Council that the Community Development Services Manager of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination as required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Muratore, Mayor Lang
NOES:	Councilmembers:	McClanahan
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

A-2-40 to P-PD(506)

All that certain real property situate in Section 3, Township 5 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of Parcel No. 1 of the Jennings Addition to the City of Modesto recorded December 29, 1969, as Instrument No. 42699 in Volume 2308 of Official Records, Page 377, Stanislaus County Records, said point being on the north line of said Section 3, South 89° 34' 35" East 1,720.00 feet from the northwest corner of said Section 3; thence South 27° 08' 03" East on the easterly line of said Jennings Addition, 563.98 feet to the southeast corner of said Jennings Addition' thence continue South 27° 08' 03" East 921.76 feet to a point on the westerly extension of a fence line running easterly; thence along said fence line and its westerly extension South 89° 35' 07" East 1,304.17 feet to the intersection with a fence line running northerly; thence northerly on said fence line the following three (3) courses: 1) North 2° 42' 24" East 593.76 feet; 2) North 89° 53' 19" East 51.49 feet; 3) North 0° 00' 30" West 722.64 feet to the north line of said Section 3; thence on said north line, North 89° 33' 37" West 2,061.24 feet to the point of beginning.

Containing 51.18 acres, more or less.

EXHIBIT "A"

PLAN FOR PROVIDING SERVICES - JENNINGS ROAD NO. 2 REORGANIZATION

Upon completion of reorganization to the City of Modesto, the following services will be made available or extended to properties within the area in the manner indicated:

1. Fire Protection: Upon reorganization the property will be withdrawn from the Westport Fire Protection District and fire protection will be provided by the Modesto Fire Department.
2. Police Protection: Modesto City Police would assume responsibility for police protection upon the effective date of reorganization.
3. Sanitary Sewer Service: No sewer service will be provided.
4. Water Service: The reorganization area would have no primary or potable water services.

Clark

Corrected 1/19/95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-29

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PREZONED PLANNED DEVELOPMENT ZONE, P-PD(506).
(PUBLIC WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, a verified application for an amendment to
Section 3-5-8 of the Zoning Map was filed by City of Modesto
Public Works and Transportation Department on November 9, 1994,
to prezone from A-2-40 Zone (County), to Planned Development
Zone, P-D, to allow an expansion of the sewer treatment facility
and co-composting operation, property located on the west side of
Jennings Road, described as follows:

A-2-40 to P-PD(506)

All that certain real property situate in Section 3,
Township 5 South, Range 8 East, Mount Diablo Base and
Meridian, County of Stanislaus, State of California,
described as follows:

BEGINNING at the northeast corner of Parcel No. 1 of
the Jennings Addition to the City of Modesto recorded
December 29, 1969, as Instrument No. 42699 in Volume
2308 of Official Records, Page 377, Stanislaus County
Records, said point being on the north line of said
Section 3, South 89° 34' 35" East 1,720.00 feet from
the northwest corner of said Section 3; thence South
27° 08' 03" East on the easterly line of said Jennings
Addition, 563.98 feet to the southeast corner of said
Jennings Addition' thence continue South 27° 08' 03"
East 921.76 feet to a point on the westerly extension
of a fence line running easterly; thence along said
fence line and its westerly extension South 89° 35' 07"
East 1,304.17 feet to the intersection with a fence
line running northerly; thence northerly on said fence
line the following three (3) courses: 1) North 2° 42'
24" East 593.76 feet; 2) North 89° 53' 19" East 51.49
feet; 3) North 0° 00' 30" West 722.64 feet to the north
line of said Section 3; thence on said north line,
North 89° 33' 37" West 2,061.24 feet to the point of
beginning.

Containing 51.18 acres, more or less.

and

WHEREAS, after a public hearing held on December 19, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 94-58, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. LAFCO requires rezoning prior to consideration of all reorganizations.

and

WHEREAS, after a public hearing held on January 17, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of City of Modesto Public Works and Transportation Department for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 94-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2940 -C.S. on the 17th day of January, 1995, rezoning the above-described property from A-2-40 Zone (County), to Rezoned Planned Development Zone, P-PD(506).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Prezoned Planned Development Zone, P-PD(506), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Jennings Road Reorganization No. 2" as amended in red, stamped approved by the City Council on January 17, 1995.
2. All measures that will be required by the Regional Water Quality Control Board and if applicable, the California Integrated Waste Management Board, in order to secure the required permits.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Prezoned Planned Development Zone, P-PD(506):

The entire construction program be accomplished in one phase, construction to begin on or before December 31, 1995, and completion to be not later than December 31, 1997.

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 X 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 rezoning the

above-described property to Prezoned Planned Development Zone, P-PD(506), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-29

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(506). (PUBLIC
WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, a verified application for an amendment to
Section 3-5-8 of the Zoning Map was filed by City of Modesto
Public Works and Transportation Department on November 9, 1994,
to prezone from A-2-40 Zone (County), to Planned Development
Zone, P-D, to allow an expansion of the sewer treatment facility
and co-composting operation, property located on the west side of
Jennings Road, described as follows:

A-2-40 to P-D(506)

All that certain real property situate in Section 3,
Township 5 South, Range 8 East, Mount Diablo Base and
Meridian, County of Stanislaus, State of California,
described as follows:

BEGINNING at the northeast corner of Parcel No. 1 of
the Jennings Addition to the City of Modesto recorded
December 29, 1969, as Instrument No. 42699 in Volume
2308 of Official Records, Page 377, Stanislaus County
Records, said point being on the north line of said
Section 3, South 89° 34' 35" East 1,720.00 feet from
the northwest corner of said Section 3; thence South
27° 08' 03" East on the easterly line of said Jennings
Addition, 563.98 feet to the southeast corner of said
Jennings Addition' thence continue South 27° 08' 03"
East 921.76 feet to a point on the westerly extension
of a fence line running easterly; thence along said
fence line and its westerly extension South 89° 35' 07"
East 1,304.17 feet to the intersection with a fence
line running northerly; thence northerly on said fence
line the following three (3) courses: 1) North 2° 42'
24" East 593.76 feet; 2) North 89° 53' 19" East 51.49
feet; 3) North 0° 00' 30" West 722.64 feet to the north
line of said Section 3; thence on said north line,
North 89° 33' 37" West 2,061.24 feet to the point of
beginning.

Containing 51.18 acres, more or less.

and

WHEREAS, after a public hearing held on December 19, 1994, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 94-58, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reason:

1. LAFCO requires rezoning prior to consideration of all reorganizations.

and

WHEREAS, after a public hearing held on January 17, 1995 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of City of Modesto Public Works and Transportation Department for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reason set forth in Planning Commission Resolution No. 94-58 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2940 -C.S. on the 17th day of January, 1995, rezoning the above-described property from A-2-40 Zone (County), to Planned Development Zone, P-D(506).

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(506), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan titled "Jennings Road Reorganization No. 2" as amended in red, stamped approved by the City Council on January 17, 1995.
2. All measures that will be required by the Regional Water Quality Control Board and if applicable, the California Integrated Waste Management Board, in order to secure the required permits.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(506):

The entire construction program be accomplished in one phase, construction to begin on or before December 31, 1995, and completion to be not later than December 31, 1997.

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 X 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 rezoning the

above-described property to Planned Development Zone, P-D(506), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development

Corrected 1/19/95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-30

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 3-5-8 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON FROM A-2-40 TO P-PD(506). (PUBLIC WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 3-5-8 of the Zoning Map of the City of Modesto to prezone from A-2-40 Zone (County), to Prezoned Planned Development Zone, P-PD(506), property located on the west side of Jennings Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-30

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 3-5-8 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON FROM A-2-40 TO P-D(506). (PUBLIC WORKS AND TRANSPORTATION DEPARTMENT)

WHEREAS, on November 9, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 3-5-8 of the Zoning Map of the City of Modesto to prezone from A-2-40 Zone (County), to Planned Development Zone, P-D(506), property located on the west side of Jennings Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft mitigated negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft mitigated negative declaration were forwarded to the City Council for consideration with the recommended mitigated negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the mitigated negative declaration proposed by the EAC including the comments received in response to such proposed mitigated negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed mitigated negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed mitigated negative declaration for said project. The Council further finds that the mitigated negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

8

MODESTO CITY COUNCIL
RESOLUTION NO. 95-31

A RESOLUTION CONSENTING TO THE WITHDRAWAL OF THE BID FROM B.G. PIPELINE AND APPROVING AWARD OF CONTRACT TO ROLFE CONSTRUCTION COMPANY FOR THE CLARATINA AVENUE WATERLINE PROJECT

WHEREAS, Resolution No. 94-676, adopted by the Council of the City of Modesto on December 6, 1994, approved the plans and specifications for the Claratina Avenue waterline project; and

WHEREAS, the bids received for the Claratina Avenue waterline project were opened on December 27, 1994, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the apparent low bidder, B.G. Pipeline, Inc. has notified the City that they made a clerical error in their bid of \$790,776.00, and have requested that they be allowed to withdraw their bid; and

WHEREAS, City staff has reviewed the request and has determined that it is consistent with the provisions of the Public Contracts Code addressing bid errors, and recommends allowing the withdrawal of B.G. Pipeline, Inc.'s bid and awarding the bid to the second low bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction Company in the amount of \$957,169.00, be accepted as the lowest responsible bid 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 17th day of January, 1995, by Councilmember Friedman , who moved its

adoption, which motion being duly seconded by Councilmember

Dobbs , was upon roll call carried and the resolution adopted
by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

8

MODESTO CITY COUNCIL
RESOLUTION NO. 95-32

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$137,000 TO FUND THE CLARATINA AVENUE WATERLINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Tank No. 4 waterline (612 480 C120 6040)	\$137,000
TO:	Coffee to TSRR waterline (612 480 C183 6040)	\$137,000

The project scope was increased to include a 12-inch parallel main to provide service to a new development at the corner of Coffee and Claratina. Also, project costs were higher than the original estimate because of the larger number of existing gas lines in the area which were not identified in the original estimate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-33

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING OF ANNUAL RECYCLED JANITORIAL PAPER PRODUCTS UNDER A LOCAL GOVERNMENT AGENCY BID

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

SECTION 1. The specifications for the furnishing of annual recycled janitorial paper products under a local government agency bid, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 7, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 17th day of January, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahann, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-34

A RESOLUTION ACCEPTING THE BID OF IRELAND'S FOR THE MILDRED PERKINS PARK
BALLFIELD IMPROVEMENT PROJECT

WHEREAS, Resolution No. 94-689, adopted by the Council of the City of Modesto on December 13, 1994, approved the plans and specifications for the Mildred Perkins Park ballfield improvement project; and

WHEREAS, the bids received for the Mildred Perkins Park ballfield improvement project were opened at 11:00 a.m. on January 3, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Ireland's, in the amount of \$35,532, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ireland's, 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 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

209 10 9
MODESTO CITY COUNCIL
RESOLUTION NO. 95-35

A RESOLUTION APPROVING A DEFERRED
COMPENSATION PLAN WITH THE PUBLIC AGENCY
RETIREMENT SYSTEM (PARS) FOR PART-TIME,
SEASONAL AND TEMPORARY (PST) EMPLOYEES AND
APPROVING THE TRUST AGREEMENT DOCUMENT.

WHEREAS, the City of Modesto (the "Agency")
participates in the City of Modesto Deferred Compensation Funds
for Part-time, Seasonal and Temporary Employees (the "Plan"), a
plan which meets the requirements of Section 547 of the Internal
Revenue Code, for the benefit of eligible employees, and

WHEREAS, the Agency has determined that it is in the
best interests of these employees, their beneficiaries and the
Agency that the Agency cease participation in the City of Modesto
Deferred Compensation Funds for Part-time, Seasonal and Temporary
Employees, retroactive to January 9 1995, and

WHEREAS, the Agency has determined that an irrevocable
grantor trust shall be established to hold assets to provide the
benefits such employees shall be entitled to based on the
provisions of the Plan for service prior to January 9, 1995,

NOW, THEREFORE, BE IT RESOLVED that:

- (1) Assets equal to the amount required to pay the
benefits earned by employees based upon their
participation in the Plan for service prior to
January 9, 1995, shall be transferred to a non-
qualified grantor trust to be established, such
trust to be known as the PARS Benefit Trust FBO
City of Modesto Non-Qualified Alternative
Retirement Plan for Service Prior to January 9,
1995, ("Trust"); and

- (2) The City Manager or the designee of the City Manager is hereby appointed Agency Plan Administrator for the Trust; and
- (3) The Agency Plan Administrator is hereby authorized to execute the Trust Agreement document; and
- (4) The Agency Plan Administrator is authorized to take whatever additional actions are necessary to effectuate the intent of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
 NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-36

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS PARTNERS IN EDUCATION.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to fund an agreement with Stanislaus Partners in Education to support their 94-95 Business Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

APPROPRIATIONS				
FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET

Business Development

Appropriations:				
010-140-1421-035	Professional Services, Other	12,150	10,000	22,150
010-800-8000-8003	Contingency Reserve	2,970,080	(10,000)	2,960,080

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 17th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-37

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS PARTNERS IN EDUCATION TO SUPPORT THEIR 1994-95 BUSINESS PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Partners in Education to support their 1994-95 business plan 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 17th day of January, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-38

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady Associates to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale corridor 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 24th day of January, 1995, by Councilmember Cogdill , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-39

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to fund an agreement with Brady and Associates for an Environmental Impact Report and Specific Plan to develop a 980-acre Business Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

		APPROPRIATIONS		
FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET

Kiernan Business Park

Appropriations:				
080-140-1434-0235	Professional Services, Other	0	211,241	211,241
080-800-8000-8003	Contingency Reserve	352,921	(211,241)	141,680

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 24th day of January, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

6

MODESTO CITY COUNCIL
RESOLUTION NO. 95-40

A RESOLUTION CONSENTING TO THE WITHDRAWAL OF THE BID FROM JARDIN PIPELINE, INC., AND APPROVING AWARD OF CONTRACT TO ROLFE CONSTRUCTION COMPANY FOR THE MAZE BOULEVARD LIFT STATION INFLUENT LINE PROJECT

WHEREAS, Resolution No. 94-677, adopted by the Council of the City of Modesto on December 6, 1994, approved the plans and specifications for the Maze Boulevard lift station influent line project; and

WHEREAS, the bids received for the Maze Boulevard lift station influent line project were opened on January 3, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the apparent low bidder, Jardin Pipeline, Inc. has notified the City that they made a clerical error in their bid of \$30,863.00, and have requested that they be allowed to withdraw their bid; and

WHEREAS, City staff has reviewed the request and has determined that it is consistent with the provisions of the Public Contracts Code addressing bid errors, and recommends allowing the withdrawal of Jardin Pipeline, Inc.'s bid and awarding the bid to the second low bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe Construction Company in the amount of \$49,125.00, be accepted as the lowest responsible bid 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 January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember

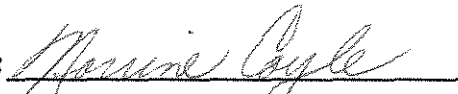
Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



Norrine Coyle, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-41

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$56,000 TO FUND THE MAZE BOULEVARD LIFT STATION INFLUENT LINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: DAF-Recoating of Equipment and Tank \$56,000
(621-480-D308-6040 and 6050)

TO: Maze Blvd. Lift Station Influent Line \$56,000
(621-480-E616-6040, 6050 and 6060)

This work was originally part of the project to install the lift station. During construction, subsurface site conditions changed the scope of work significantly and the work was removed from the original contract. This transfer will establish a new account for the project to allow proper accounting of costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-42

A RESOLUTION ACCEPTING PROJECT NO. 20 - REPLACEMENT OF CURB, DRIVE APRONS AND SIDEWALKS, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that Project No. 20 - replacement of curb, drive aprons and sidewalks, has been completed by D & L Concrete Pumping, Inc., in accordance with the contract agreement dated July 19, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for Project No. 20 - replacement of curb, drive aprons and sidewalks be accepted from said contractor, D & L Concrete Pumping, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$96,702.45, 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 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-43

A RESOLUTION ACCEPTING THE ENCINA AVENUE STORM DRAIN UPGRADE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Encina Avenue storm drain upgrade project, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated June 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Encina Avenue storm drain upgrade project be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$107,478.80, 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 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-44

A RESOLUTION APPROVING THE CITY OF MODESTO'S
CO-SPONSORSHIP AND AUTHORIZING FUNDING
ASSISTANCE FOR THE "GARBAGE...AND ALL THAT
TRASH!" EXHIBIT AT GREAT VALLEY MUSEUM OF
NATURAL HISTORY.

WHEREAS, in January, 1994, the Council adopted the
City's Source Reduction and Recycling Element (SRRE) which was
required by AB 939, and

WHEREAS, the SRRE includes an Education and Public
Information Component which states that the City will develop and
implement a comprehensive, multi-media campaign to increase
source reduction, recycling, and composting, and

WHEREAS, the Recycling component of the SRRE calls for
expansion of existing education/information efforts for Public
Education/Information/School Recycling, and

WHEREAS, both components estimate the costs of carrying
out programs to attain the State-mandated diversion levels, and
funds for public information and education have been budgeted for
FY 1994-95 in the Solid Waste Office's budget, and

WHEREAS, Great Valley Museum contacted City staff with
a request for co-sponsorship of an interactive recycling exhibit,
"Garbage...and all that trash" which will be housed at the Museum
from March 1, 1995, through December 1, 1995, and then
permanently displayed in Sacramento in 1996, and

WHEREAS, hundreds of children from local school

classrooms are expected to tour the exhibit and visitors will learn the 4 R's: Rethink, Reduce, Reuse, and Recycle, and

WHEREAS, the Museum has requested that the City provide staff assistance and funding for revision and printing of the exhibit's "Teacher Resource Guide", which will be revised to reflect the collection and disposal infrastructure specific to our geographic area, including information on the Waste-to-Energy Facility, at an estimated cost of \$1,200, and

WHEREAS, the Museum has also requested assistance with shipping costs for the exhibit, which are approximately \$1,500, and with exhibit promotion through the City bill inserts and through highlights in the next used motor oil recycling brochure scheduled for distribution in March, 1995, and

WHEREAS, City sponsorship will be acknowledged in all publicity and informational materials,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's co-sponsorship and authorizes funding assistance for the "Garbage...and all that Trash!" exhibit at Great Valley Museum of Natural History.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Click

MODESTO CITY COUNCIL
RESOLUTION NO. 95-45

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR CONTINUED GRANT FUNDING TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FOR THE TELEWORK CENTER FOR FISCAL YEAR 1995-96.

WHEREAS, in 1994 the City opened its first telework center with grant funding from the California Department of Transportation (CALTRANS) and the San Joaquin Valley Unified Air Pollution Control District, and

WHEREAS, City staff has recommended that Council adopt a resolution approving the submittal of an application for continued grant funding to CALTRANS and the San Joaquin Valley Unified Air Pollution Control District for the Telework Center for Fiscal Year 1995-96,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to CALTRANS and the San Joaquin Valley Unified Air Pollution Control District for the Telework Center for Fiscal Year 1995-96.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-46

A RESOLUTION APPROVING A GRANT AGREEMENT FOR \$1,500 TO MODESTO GOSPEL MISSION FOR PRODUCTION OF A CABLE TELEVISION PROGRAM ON HOMELESSNESS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement for \$1,500 to Modesto Gospel Mission for production of a cable television program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant 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 24th day of January, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-47

A RESOLUTION APPROVING AND ACCEPTING AN EASEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE CONSTRUCTION OF A WATERLINE IN LATERAL NO. 6 RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the easement agreement between the City of Modesto and Modesto Irrigation District for the construction of a waterline in Lateral No. 6 right of way be, and it is hereby approved and accepted.

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 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

1/28/95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-48

A RESOLUTION ADOPTING A REVISED RECORDS
MANAGEMENT MANUAL AND RECORDS RETENTION
SCHEDULE FOR THE CITY OF MODESTO AND
AUTHORIZING DESTRUCTION OF USELESS RECORDS.

WHEREAS, the destruction of certain old and useless papers and records of the City of Modesto has been authorized by the retention and destruction schedule of the "Records Management Manual," including the City of Modesto Records Retention Schedule," adopted by the City Council by Resolution No. 77-998 on September 29 1977, and

WHEREAS, said "Records Management Manual" and "City of Modesto Records Retention Schedule" were amended by City Council Resolution No. 79-644, adopted on June 26, 1979, Resolution No. 82-226, adopted on March 4, 1982, and Resolution No. 84-194, adopted on April 10, 1984, Resolution No. 86-593, adopted on June 17, 1986, and Resolution No. 88-508, adopted on July 5, 1988, and

WHEREAS, the Council desires to adopt a revised "Records Management Manual and Records Retention Schedule for the City of Modesto",

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

1. The "Records Management Manual and Records Retention Schedule of the City of Modesto" dated January 24, 1995, copies of which are on file in the office of the City Clerk, is hereby adopted.

2. Records of the City of Modesto shall be maintained in accordance with said "Records Management Manual and Records Retention Schedule for the City of Modesto".

3. In accordance with the procedures set forth in the "Records Management Manual and Records Retention Schedule for the City of Modesto", useless records of each office, department, board or commission may be destroyed after the expiration of the total retention period set forth in said "Records Management Manual and Records Retention Schedule for the City of Modesto."

4. Records designated to be kept permanently, as well as the signed "Destruction of Records Not Sent to Records Center Notice" for all records destroyed, shall be retained permanently.

5. File Categories contained in the Records Management Manual and Records Retention Schedule may be added or deleted, subject to approval by the City Attorney.

6. Department minimum retention periods contained in the Records Management Manual and Records Retention Schedule may be modified, subject to approval by the City Attorney.

BE IT FURTHER RESOLVED that the above referred to "Records Management Manual and Records Retention Schedule for the City of Modesto" dated January 24, 1995, supersedes all others previously adopted.

2. Records of the City of Modesto shall be maintained in accordance with said "Records Management Manual and Records Retention Schedule for the City of Modesto".

3. In accordance with the procedures set forth in the "Records Management Manual and Records Retention Schedule for the City of Modesto", useless records of each office, department, board or commission may be destroyed after the expiration of the total retention period set forth in said "Records Management Manual and Records Retention Schedule for the City of Modesto."

4. Records designated to be kept permanently, as well as the signed "Destruction of Records Not Sent to Records Center Notice" for all records destroyed, shall be retained permanently.

BE IT FURTHER RESOLVED that the above referred to "Records Management Manual and Records Retention Schedule for the City of Modesto" dated January 24, 1995, supersedes all others previously adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1994, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-49

A RESOLUTION APPROVING THE MODESTO CITY-COUNTY AIRPORT'S APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF \$745,913 TO COMPLETE THE AIRPORT'S FY 1995/96 CAPITAL IMPROVEMENTS

WHEREAS, on January 25, 1994, the City Council approved the submittal of a six-year federal fund request to complete the Airport's FY 1995/96 capital improvements consisting of resurfacing Airport Way, completion of the general aviation apron slurry seal, construction of a new 100-space parking lot at the passenger terminal, improvement to the general aviation and terminal security lights, and the rewiring of runway 10L/28R and its parallel taxiway lights.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that submittal of a grant application on behalf of the City of Modesto with the Federal Aviation Administration for funding in the amount of \$745,913 for the above-mentioned projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application 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 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-50

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL M. ZAGARIS REAL ESTATE AGENTS RICHARD RAND AND BOB WOOD TO MARKET AIRPORT PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Paul M. Zagaris Real Estate Agents Richard Rand and Bob Wood to market airport property be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 24th day of January, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-51

A RESOLUTION APPROVING SUBMISSION OF A REVISED ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) RESULTING FROM A SUPPLEMENTAL APPORTIONMENT AND A RURAL TRANSIT FEE CREDIT.

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, on June 7, 1994, the City of Modesto submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds, and

WHEREAS, SAAG has informed the City of Modesto of an additional \$254,266 of Local Transportation funding resulting from a supplemental apportionment and a credit in our Rural Transit Fee, and

WHEREAS, the Bus Service Fund will claim the greatest portion of these additional monies to replace reductions in their Federal Transit Administration operating grant (\$112,688) and State Transit Assistance funds (\$70,688), a portion is allocated for bicycle lanes and the remainder for street maintenance

purposes, and

WHEREAS, Council action authorizing the supplemental claim is required by SAAG prior to funds being released,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said Revised Supplemental Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of \$254,266 of Local Transportation funding resulting from a supplemental apportionment and a credit in the City's Rural Transit Fee 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 January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Book

MODESTO CITY COUNCIL
RESOLUTION 95-52

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE ADDITIONAL LOCAL TRANSPORTATION FUNDS (LTF).

WHEREAS, on June 7, 1994, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds.

WHEREAS, SAAG has informed the City of an additional \$254,266 of Local Transportation funding resulting from a supplemental apportionment and a credit in our Rural Transit Fee. The Bus Service Fund will claim the greatest portion of these additional monies (\$183,368) to replace reductions in their Federal Transit Administration operating grant (\$112,688) and State Transit Assistance funds (\$70,688). The remaining portion is allocated for bicycle lanes (\$3,303) and for street maintenance purposes (\$67,595).

WHEREAS, the following adjustments are necessary:

Transit Funds 651/652		Increase (Decrease)
Fund/Agy/Org		
Revenues		
651-510-9510-3158	LTF Transit Operating Revenue	\$158,661
651-510-9510-3161	STAF Transit Operating Revenue	(\$70,688)
651-510-9510-3525	FTA Operating Revenue	(\$87,973)
652-510-9510-3158	LTF Transit Operating Revenue	\$24,707
652-510-9510-3525	FTA Operating Revenue	(\$24,707)

Local Transportation Funds 051/052		Increase (Decrease)
Fund/Agy/Org		
Revenues		
051-510-9510-1213	LTF Allocation	\$67,595
052-510-9510-1216	LTF Allocation - non Motorized	\$3,303
Expenditures		
051-800-8000-8003	LTF Contingency Reserve	\$67,595
052-800-8000-8003	LTF Contingency Reserve - non Motorized	\$3,303

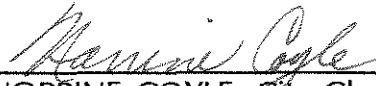
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-53

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1994-95.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 94-95 to fund additional contributions to McClatchy Square.

NOW, THEREFORE, BE IT RESOLVED by the Members of the Redevelopment Agency of the City of Modesto that changes to the Annual Budget of the City of Modesto for Fiscal Year 94-95 are as follows:

REDEVELOPMENT FUND
APPROPRIATION ADJUSTMENTS

APPROPRIATIONS				
FUND/ACCOUNT DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET	
Downtown Park				
908-020-E599-604 Construction	31,000	9,000	40,000	
Master Plan CIP				
908-700-7000-9010 Transfer Out	250,283	9,000	259,283	
General Fund				
010-700-7000-7908 Transfer Out	250,283	9,000	259,283	
010-800-8000-8003 Contingency Reserve	2,960,080	(9,000)	2,951,080	
Total Appropriation Adjustment		0		

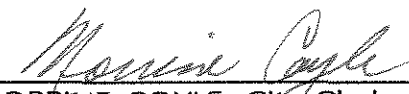
BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-54

A RESOLUTION APPOINTING GIL WYMOND AND CHARLES BRANDT AND REAPPOINTING JEFF HILL 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Appointing Gil Wymond and Charles Brandt, and reappointing Jeff Hill to the Airport Advisory Committee, terms to expire on 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members 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 January, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-55

A RESOLUTION APPOINTING STEVE BAILEY AND NANCY BRONSTEIN AND REAPPOINTING JOAN CHECK, STERLING FOUNTAIN AND ROBERT ANDREWS TO THE AFFIRMATIVE ACTION 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Appointing Steve Bailey and Nancy Bronstein and reappointing Joan Check, Sterling Fountain and Robert Andrews to the Affirmative Action Commission, terms to expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members 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 January, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-56

A RESOLUTION REAPPOINTING JERRY MATSUNAGA 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 RESOLVED by the Council of the City of
Modesto as follows:


SECTION 1. Reappointing Jerry Matsunaga to the Board of Zoning
Adjustment, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the 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 24th day of January,
1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-57

A RESOLUTION APPOINTING GUNTHER BALDAUF AND ED WASHINGTON TO THE
CITIZENS ADVISORY COMMITTEE ON RECYCLING

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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Appointing Gunther Baldauf and Ed Washington to the
Citizens Advisory Committee on Recycling, terms to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the 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 24th day of January,
1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-58

A RESOLUTION REAPPOINTING HELEN WHITE TO THE CULTURE 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Reappointing Helen White to the Culture Commission, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 24th day of January, 1995, by Councilmember Dobbs, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-59

A RESOLUTION REAPPOINTING FRANK BOOTS AND DAVID BORING TO THE DOWNTOWN
IMPROVEMENT DISTRICT ADVISORY BOARD

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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Reappointing Frank Boots and David Boring to the
Downtown Improvement District Advisory Board, terms to expire 3/28/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the 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 24th day of January,
1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-60

A RESOLUTION APPOINTING FRED SATARIANO AND REAPPOINTING BRAD PITTS TO 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Appointing Fred Satariano and reappointing Brad Pitts to the Housing Rehabilitation Loan Committee, terms to expire 6/30/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members 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 January, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-61

A RESOLUTION REAPPOINTING DIRK HOEK TO THE LANDMARK PRESERVATION
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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Reappointing Dirk Hoek to the Landmark Preservation
Commission, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the 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 24th day of January,
1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-62

A RESOLUTION REAPPOINTING DOUGLAS HILLBLOM TO THE LOCAL CABLE
PROGRAMMING 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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Reappointing Douglas Hillblom to the Local Cable
programming Committee, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the 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 24th day of January,
1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-63

A RESOLUTION REAPPOINTING FRED CRUZ 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Reppointing Fred Cruz to the Planning Commission, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the 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 24th day of January, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-64

A RESOLUTION APPOINTING RICHARD TATOYAN AND REAPPOINTING ROBERT WIRTH AND TONY VARNI TO THE CITIZENS REDEVELOPMENT ADVISORY 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Appointing Richard Tatoyan and reappointing Robert Wirth and Tony Varni to the Citizens Redevelopment Advisory Commission, terms to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members 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 January, 1995, by Councilmember Dobbs, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-65

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING CENTRE PLAZA HEATING, VENTILATING AND AIR CONDITIONING (HVAC) MODIFICATIONS

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

SECTION 1. The specifications for furnishing Centre Plaza heating, ventilating and air conditioning (HVAC) modifications, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 13, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-66

A RESOLUTION ACCEPTING THE BID OF SAFETY ELECTRIC CORPORATION FOR THE TRAFFIC SIGNAL MODIFICATION AT THE MCHENRY AVENUE AND ORANGEBURG AVENUE INTERSECTION

WHEREAS, Resolution No. 95-1, adopted by the Council of the City of Modesto on January 3, 1995, approved the plans and specifications for the traffic signal modification at the McHenry Avenue and Orangeburg Avenue intersection; and

WHEREAS, the bids received for the traffic signal modification at the McHenry Avenue and Orangeburg Avenue intersection were opened at 11:00 a.m. on January 24, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Safety Electric Corporation, in the amount of \$48,573, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Safety Electric 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 7th day of February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-67

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR THE TRAFFIC SIGNAL MODIFICATIONS AT TULLY ROAD AND ORANGEBURG AVENUE

WHEREAS, Resolution No. 95-2, adopted by the Council of the City of Modesto on January 3, 1995, approved the plans and specifications for the traffic signal modifications at Tully Road and Orangeburg Avenue; and

WHEREAS, the bids received for the traffic signal modification at Tully road and Orangeburg Avenue opened at 11:00 a.m. on January 24, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical, in the amount of \$102,350, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical, 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 February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-68

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$30,000 TO FUND THE TRAFFIC SIGNAL MODIFICATIONS AT TULLY ROAD AND ORANGEBURG AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Traffic signal modificatins various \$30,000
(070 160 E470 6040 and 6060)

TO: Orangeburt/Tully Traffic Signal \$30,000
modification (070 160 D280 6040)

The cost increase over the budgeted amount is the result of not being able to use as much existing equipment as originally expected. Also, some existing utility lines will have to be relocated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-69

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE GATE MODIFICATION FOR CLARIFIER Nos. 1 AND 2 AT THE WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 94-665, adopted by the Council of the City of Modesto on November 22, 1994, approved the plans and specifications for the gate modification for clarifier nos. 1 and 2 at the Water Quality Control Plant; and

WHEREAS, the bids received for the gate modification for clarifier Nos. 1 and 2 at the Water Quality Control Plant were opened at 11:10 a.m. on January 24, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco-West, Inc., in the amount of \$96,000, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, 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 7th day of February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-70

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,000 TO FUND THE GATE MODIFICATION FOR CLARIFIER NOS. 1 AND 2 AT THE WATER QUALITY CONTROL PLANT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Bar screen replacement (621 480 D304 6000)	\$4,000
TO:	Clarifier No. 1 gate modification (621 480 E538 6000)	\$4,000

The transfer is required to fully fund the clarifier gate project. Additional funding is needed due to the clarifier gate being separated from a larger odor control project. Costs increase when funding individual phases of a larger project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-71

A RESOLUTION ACCEPTING THE GLENN AVENUE WATERLINE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Glenn Avenue waterline project, has been completed by Mid Cal Pipeline, in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Glenn Avenue waterline project be accepted from said contractor, Mid Cal Pipeline; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$142,530, 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 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-72

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TREE TRIMMING SERVICES AT THE CITY-COUNTY AIRPORT FROM DAVEY TREE SERVICE

WHEREAS, the Public Works and Transportation Department has requested tree trimming to bring several trees below the runway approach clear zone as required by F.A.A.; and

WHEREAS, informal bids were solicited with the lowest responsive bidder being Davey Tree Service at \$26,140.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for purchase of tree trimming services at the City County Airport be, and it is hereby waived.

BE IT FURTHER RESOLVED that purchase of tree trimming services at the City County Airport from Davey Tree Service in the amount of \$26,140, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-73

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH SAID GRANT, TO PROVIDE FOR PUBLICIZING THE MODESTO AREA EXPRESS/MAX SERVICE.

WHEREAS, City staff has recommended that the City of Modesto apply for an education grant from the San Joaquin Valley Unified Air Pollution Control District in the amount of \$72,000 to be used to increase public awareness of the Modesto Area Express/MAX service in an effort to increase ridership and reduce single occupant vehicle trips, and

WHEREAS, the public information effort will include various types of advertising such as radio, television and print, and will also include improving the quality of the route map which is distributed to the public, and

WHEREAS, the City of Modesto will be required to match City funds to said grant funds, and City funds are available in the account budgeted for printing of public information material and advertising,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute, on behalf of the City of Modesto, an application to apply for grant funding from the San Joaquin Valley Unified Air Pollution Control District to provide for publicizing the Modesto Area Express/Max

service. The City Manager is further authorized to execute any and all documents associated with said grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-74

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH SAID GRANT RELATING TO CONVERTING VEHICLES TO DEDICATE USE OF ALTERNATIVE FUEL.

WHEREAS, City staff has recommended that the City of Modesto apply for a grant from the San Joaquin Valley Unified Air Pollution Control District in the amount of \$44,391 to be used to convert vehicles to dedicate use of alternative fuel, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute, on behalf of the City of Modesto, an application to apply for grant funding from the San Joaquin Valley Unified Air Pollution Control District relating to converting vehicles to dedicate use of alternative fuel. The City Manager is further authorized to execute any and all documents associated with said grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-75

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH SAID GRANT RELATING TO TWO ELECTRIC VEHICLES.

WHEREAS, City staff has recommended that the City of Modesto apply for a grant from the San Joaquin Valley Unified Air Pollution Control District to be used for two electric vehicles to utilize the vehicles and evaluate their suitability for use in a municipal fleet,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute, on behalf of the City of Modesto, an application to apply for grant funding from the San Joaquin Valley Unified Air Pollution Control District relating to acquiring two electric vehicles to utilize the vehicles and evaluate their suitability for use in a municipal fleet. The City Manager is further authorized to execute any and all documents associated with said grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-76

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY & ASSOCIATES FOR PREPARATION OF A NON-MOTORIZED TRANSPORTATION MASTER PLAN FOR THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady & Associates for preparation of a Non-motorized Transportation Master Plan for the City of Modesto 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 February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-77

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ESPERANZA JAIME IN THE AMOUNT OF \$82,452 FOR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Esperanza Jaime in the amount of \$82,452 for rehabilitating his property at 124 Merced Avenue pursuant to the City of Modesto's Housing Rehabilitation program 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 February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-78

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CORINNE ROWE FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE FEBRUARY 7, 1995

WHEREAS, Corinne Rowe was appointed a member of the Landmark Preservation Commission on February 21, 1989; and

WHEREAS, Corinne Rowe has tendered her resignation from the Landmark Preservation Commission, effective February 7, 1995; and

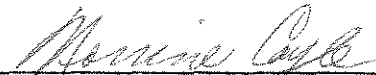
WHEREAS, Corinne Rowe has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Corinne Rowe from the Landmark Preservation 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 Corinne Rowe 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 7th day of February, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-79

A RESOLUTION SUPPORTING MEASURE C TO PROVIDE
A DEDICATED FUNDING SOURCE FOR THE STANISLAUS
COUNTY FREE LIBRARY THROUGH A 1/8¢ SALES TAX.

WHEREAS, the Modesto City Council appointed an ad hoc committee known as the Modesto City Library Committee for the purpose of providing recommendations to the City Council related to the Stanislaus County Free Library (the "Library"), and

WHEREAS, the Stanislaus County Library Advisory Board has recommended that a dedicated funding source be identified for the Library, and

WHEREAS, the Stanislaus County Board of Supervisors has placed on the ballot a measure funding a 1/8¢ sales tax increment dedicated to funding for the Library, known as Measure C, and

WHEREAS, the election will be held on March 7, 1995,
and

WHEREAS, the Modesto City Library Committee has adopted Resolution No. 95-1, entitled "A Resolution Supporting Measure C to Provide a Dedicated Funding Source for the Stanislaus County Free Library Through a 1/8¢ Sales Tax",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council does hereby support Measure C, the 1/8¢ Sales Tax Measure on the March 7, 1995 ballot, for the purpose of providing a dedicated funding source to the Stanislaus County Free Library.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-80

A RESOLUTION APPROVING THE APPLICATION OF
ESCALON COMMUNITY AMBULANCE COMPANY FOR A
PERMANENT PERMIT TO OPERATE A LIMITED
AMBULANCE SERVICE IN THE CITY OF MODESTO.

WHEREAS, on October 1, 1994, Escalon Community
Ambulance Company, Inc., submitted an application and paid the
appropriate fees to provide non-emergency ambulance services
within the City limits of the City of Modesto, and

WHEREAS, Chapter 9 of Title III of the Modesto
Municipal Code regulates the licensing of limited ambulances in
the City of Modesto, and Section 3-9.05 of the Modesto Municipal
Code requires that in determining whether the public convenience
and necessity require the operation of a limited ambulance
service for which application is made, the Council shall hold a
public hearing as may be necessary to for the purpose of making
such determination, and

WHEREAS, as required by Section 3-9.05 of the Modesto
Municipal Code, the City Manager has caused the Police Chief of
the City of Modesto to make an investigation and report, in
writing, to the City Council on said application for a permit to
operate a limited ambulance service in the City of Modesto, and

WHEREAS, on February 14, 1995, the City Council held a
duly noticed public hearing at 4:00 p.m., in the City Council
Chambers in City Hall, located at 801 11th Street, Modesto,
California, to consider the application of Escalon Community

Ambulance Company for a permit to operate a limited ambulance service in the City of Modesto, and

WHEREAS, the City Attorney has determined that the California Department of Motor Vehicles licenses all ambulance drivers regardless of whether or not they are characterized as emergency or nonemergency vehicles and that the California Highway Patrol and/or the regional EMS agencies provide safety inspections for both emergency and nonemergency vehicles,

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

1. That the public convenience and necessity requires the operation of the limited ambulance service which will be furnished by Escalon Community Ambulance Company, because the City of Escalon does not have a hospital and the majority of care patients come to Modesto for medical services, and that such limited ambulance service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting injured or sick persons.

3. That the name "Escalon Community Ambulance Company" and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing

characteristics used by any other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such limited ambulance service in the City is required by the public convenience and necessity and that Escalon Community Ambulance Company is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 9 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the application of Escalon Community Ambulance Company for a permanent permit to operate a limited ambulance service in the City of Modesto is hereby approved for the reasons set forth above. Said ambulance service shall operate under the name of "Escalon Community Ambulance Company", and a total number of two (2) ambulances may be operated under said permit.

BE IT FURTHER RESOLVED that after Escalon Community Ambulance Company has complied with all of the requirements of Chapter 9 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a permanent Certificate of Public Convenience and Necessity to Escalon Community Ambulance Company for the purpose of operating two (2) ambulances as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-81

A RESOLUTION ACCEPTING THE CLAUS ROAD BRIDGE WIDENING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Claus Road bridge widening, has been completed by Agee Construction Company, in accordance with the contract agreement dated April 27, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Claus Road bridge widening be accepted from said contractor, Agee Construction Company; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$2,019,029.48, 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 14th day of February, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-82

A RESOLUTION ACCEPTING THE NEECE DRIVE WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Neece Drive waterline, has been completed by Allen A. Waggoner Construction, in accordance with the contract agreement dated August 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Neece Drive waterline be accepted from said contractor, Allen A. Waggoner Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of \$393,832.96, 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 14th day of February, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-83

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR FY 1994-95 AND RE-
ESTIMATING REVENUE FOR FY 1994-95.

WHEREAS, it has been determined that certain
adjustments are required to the Annual Budget of the City of
Modesto for Fiscal Year 1994-95,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Schedule "A", attached
hereto and incorporated herein by reference, are hereby approved
for the purpose of amending the Annual Budget of the City of
Modesto for FY 1994-95 and to re-estimate revenue for said FY
1994-95.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
VARIOUS REVENUES & APPROPRIATIONS								
In Lieu Property Tax	010	510	9510	1101	10,300	10,000		20,300
Used Motor Oil Grant	010	480	4802	3141	95,000	53,785		148,785
Prop 172 Sales Tax Allocation	010	190	1961	3172	297,665	77,335		375,000
Building Fee- All Inclusive	010	140	1412	4001	137,280	(137,280)		0
Building Inspections	010	140	1412	4002	269,724	(269,724)		0
Plumbing Inspections	010	140	1412	4003	40,057	(40,057)		0
Electrical Inspections	010	140	1412	4004	40,314	(40,314)		0
Heating/Cooling Code Inspect	010	140	1412	4005	19,608	(19,608)		0
Mobile Home Inspections	010	140	1412	4006	11,226	(11,226)		0
Plan Checking Fees	010	140	1412	4007	183,059	(183,059)		0
Zoning Fees	010	140	1401	4008	26,000	(6,000)		20,000
Subdivision Applct/Inspect	010	420	4212	4011	16,000	10,000		26,000
Annexation Fee	010	140	1412	4012	400	(400)		0
Earthquake Educ Fee	010	140	1412	4014	561	(561)		0
Building Fee- All Inclusive	010	140	1401	4001	0	107,280		107,280
Building Inspections	010	140	1401	4002	0	269,724		269,724
Plumbing Inspections	010	140	1401	4003	0	30,057		30,057
Electrical Inspections	010	140	1401	4004	0	40,314		40,314
Heating/Cooling Code Inspect	010	140	1401	4005	0	19,608		19,608
Mobile Home Inspections	010	140	1401	4006	0	11,226		11,226
Plan Checking Fees	010	140	1401	4007	0	138,059		138,059
Annexation Fee	010	140	1401	4012	0	400		400
Earthquake Educ Fee	010	140	1401	4014	0	561		561
Mobile Data Terminal Rental	010	190	1901	4027	44,400	(24,400)		20,000
Safety Respnse Reimb	010	180	1832	4029	0	20,000		20,000
McHenry Museum Fees	010	360	3612	6211	10,300	(7,000)		3,300
City Building Rental	010	380	3812	6225	5,400	(400)		5,000
General City Fines	010	510	9510	7101	46,011	20,000		66,011
Parking Fines	010	510	9510	7113	354,123	40,000		394,123
Crime Grant	010	190	1962	3175	0	280,000		280,000
Crime Grant-Salaries	010	190	1962	0110	0		420,000	420,000
Contingency Reserve	010	800	8000	8003	2,970,080	388,320	(420,000)	2,938,400
GRANT VEHICLES								
5 Grant Vehicles-Transfer Out	010	700	7000	7720	33,910		169,715	203,625
16 Additional Radios	010	190	1962	5000	0		18,919	18,919
1 ABC Grant Vehicle-Transfer	010	700	7000	7720	203,625		20,056	223,681
Contingency Reserve	010	800	8000	8003	2,938,400		(208,690)	2,729,710
5 Grant Vehicles-Transfer In	720	700	7000	7010	33,910	169,715		203,625
5 Grant Vehicles	720	480	5814	5000	0		169,715	169,715
1 ABC Grant Vehicle-Transfer I	720	700	7000	7010	203,625	20,056		223,681
1 ABC Grant Vehicle	720	480	5814	5000	0		20,056	20,056

PROPERTY OUTFITTING

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
Property Facility Outfitting	010	190	1921	5000	0		30,300	30,300
Contingency Reserve	010	800	8000	8003	2,729,710		(30,300)	2,699,410
EMERGENCY CLERICAL RELIEF								
Professional Services	010	300	3001	0235	3,100		21,000	24,100
Contingency Reserve	010	800	8000	8003	2,699,410		(21,000)	2,678,410
UTILITIES, INCREASE IN SECURITY, STAFFING OF GARAGE REDUCTION								
Professional Services	670	340	3413	0235	5,555		27,000	32,555
Services Centre Plaza	670	340	3412	4081	30,000	(5,000)		25,000
Miscellaneous Revenue	670	340	3412	8155	5,000	(5,000)		0
Transfer In	670	700	7000	9010	545,933	37,000		582,933
Transfer Out	010	700	7000	7670	545,933		37,000	582,933
Contingency Reserve	010	800	8000	8003	2,678,410		(37,000)	2,641,410
TELEPHONE PROJECTION CORRECTION								
Utilities	780	350	3512	0210	390,790		25,494	416,284
Repair & Mtc Outside Forces	780	350	3512	0223	88,828		40,792	129,620
Contingency Reserve	780	800	8000	8003	75,108		(66,286)	8,822
INCREASE IN STAFFING DUE TO FEDERAL REGULATIONS								
Overtime	621	480	5215	0130	3,023		1,000	4,023
Parttime	621	480	5215	0140	0		10,000	10,000
Contingency Reserve	621	800	8000	8003	8,223,409		(11,000)	8,212,409
LEASE OF LAND FROM MAX								
Lease of Land	653	510	9510	6201	72,074	134,454		206,528
Telephone Refunds	653	510	9510	8125	0	6,000		6,000
Contingency Reserve	653	800	8000	8003	(93,995)		140,454	46,459

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
NEW FAA GRANTS & MISC ADJUSTMENTS								
Misc Special Services	631	510	9510	4095	2,350	(1,085)		1,265
Special Concessions	631	510	9510	4401	2,000	2,300		4,300
Aircraft Parking Apron	631	510	9510	4407	750	95		845
Airport Car Rental	631	510	9510	4410	130,000	9,000		139,000
Airport Hangar Rental	631	510	9510	4413	202,000	2,475		204,475
Airport Tie-Down Fees	631	510	9510	4419	17,220	(3,025)		14,195
Telephone Refunds	631	510	9510	8125	1,000	440		1,440
City Building Rental-Other	631	510	9510	6225	29,520	(2,050)		27,470
Lease of Land	631	510	9510	6201	39,900	1,345		41,245
Aircraft Tax	631	510	9510	1113	52,000	23,300		75,300
Salaries	631	480	5412	0110	196,189		33,412	229,601
Professional Services	631	480	5412	0235	2,580		28,644	31,224
Custodial Supplies	631	480	5412	0304	1,100		1,028	2,128
Contingency Reserve	631	800	8000	8003	(20,804)		(30,289)	(51,093)
FAA Capital Grants	632	510	9510	3613	252,000	82,216	0	334,216
Contingency Reserve	632	800	8000	8003	89,369		82,216	171,585
CFF CHARGES								
CFF Consultant Charges	139	120	E476	6010	0		15,000	15,000
CFF Staff Charges	139	120	E477	6010	0		7,000	7,000
Contingency Reserve	139	800	8000	8003	39,550		(22,000)	17,550
RDA CHARGES								
Professional Services	907	140	1492	0235	5,834		31,135	36,969
Salaries	905	140	1490	0110	28,576		(31,135)	(2,559)
Transfer In	907	700	7000	9905	0	31,135		31,135
Transfer Out	905	700	7000	7907	0		31,135	31,135
Sale of Property	908	140	1493	8101	460,000	51,923		511,923
Professional Services	907	140	1492	0235	36,969		51,923	88,892
Transfer Out	908	700	7000	7907	0		51,923	51,923
Transfer In	907	700	7000	9908	0	51,923		51,923
Contingency Reserve	908	800	8000	8003	224,283		(100,000)	124,283
Professional Services	907	140	1492	0235	88,892		100,000	188,892
Transfer Out	908	700	7000	7907	51,923		100,000	151,923
Transfer In	907	700	7000	9908	51,923	100,000		151,923
Contingency Reserve	908	800	8000	8003	124,283		(13,953)	110,330
Contingency Reserve	905	800	8000	8003	(13,953)		13,953	0
Transfer Out	908	700	7000	7905	0		13,953	13,953
Transfer In	905	700	7000	9908	0	13,953		13,953
LOSS OF REVENUE INCORRECTLY APPLIED								
Record Storage Charges	710	120	1253	4943	97,000	(8,000)		89,000
Contingency Reserve	710	800	8000	8003	(37,490)		(8,000)	(45,490)

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
INCREASE IN OVERHEAD FOR MAIL SVC								
Mail Charges	712	050	0554	4942	150,126	13,700		163,826
Contingency Reserve	712	800	8000	8003	(21)		13,700	13,679
NEIGHBORHOOD TELECENTER GRANT ADJ								
Tele Commuter Grant	010	140	1424	3302	99,000	23,000		122,000
Professional Services	010	140	1424	0235	0		23,000	23,000
RDA SERVICE CREDIT ADJ								
Service Credits	010	020	0201	9990	(41,830)		23,155	(18,675)
Service Credits	010	140	1421	9990	(48,612)		(23,155)	(71,767)
EQUIPMENT RENTAL NEIGHBORHOOD PRESERVATION								
Equipment Rental	010	140	1405	0218	8,278		2,995	11,273
Contingency Reserve	010	800	8000	8003	2,678,410		(2,995)	2,675,415
DEVELOPMENT SERVICES COMBINED								
Salaries	010	140	1401	0110	422,352		516,767	939,119
Salaries	010	140	1401	0111	36,756		33,535	70,291
Salaries	010	140	1401	0112	10,488		16,722	27,210
Salaries	010	140	1401	0113			383	383
Salaries	010	140	1401	0114	17,248		28,181	45,429
Salaries	010	140	1401	0115	1,722		1,560	3,282
Salaries	010	140	1401	0116	9,464		4,877	14,341
Salaries	010	140	1401	0117	434		423	857
Salaries	010	140	1401	0118			57	57
Salaries	010	140	1401	0119	741		2,016	2,757
Salaries	010	140	1401	0121			352	352
Overtime	010	140	1401	0130	0		0	0
Parttime	010	140	1401	0140			0	0
Benefits	010	140	1401	0150	3,312		2,102	5,414
Benefits	010	140	1401	0151	28,180		40,024	68,204
Benefits	010	140	1401	0152	7,813		11,724	19,537
Benefits	010	140	1401	0153	1,781		2,178	3,959
Benefits	010	140	1401	0154	3,162		4,415	7,577
Benefits	010	140	1401	0155	2,277		3,503	5,780
Benefits	010	140	1401	0160	68,774		91,303	160,077
Benefits	010	140	1401	0161	14,242		13,695	27,937
Benefits	010	140	1401	0162	6,149		7,493	13,642
Benefits	010	140	1401	0163	1,785		1,392	3,177
Benefits	010	140	1401	0164	223		261	484
Benefits	010	140	1401	0166	250		347	597
Benefits	010	140	1401	0167	1,517		1,830	3,347
Benefits	010	140	1401	0168	12,360		14,092	26,412
Postage	010	140	1401	0201	46		32	78
Mail-Inside	010	140	1401	0202	5,168		1,085	6,253

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
Records-Inside	010	140	1401	0203	2,432		0	2,432
Printing-Ins	010	140	1401	0204	4,634		1,040	5,674
Printing/Binding	010	140	1401	0205	375		0	375
Conference Exp	010	140	1401	0207	7,183		924	8,107
Business Exp	010	140	1401	0208	607		608	1,215
Training Exp	010	140	1401	0209	918		2,679	3,597
Utilities	010	140	1401	0210			149	149
Copier Charges	010	140	1401	0217	6,111		1,434	7,545
Equipment Rental	010	140	1401	0218	1,998		29,257	31,255
R & M Outside	010	140	1401	0223	2,772		1,778	4,550
Svc Prof & Other	010	140	1401	0235	2,859		250	3,109
Delivery	010	140	1401	0245	38		0	38
Custodial -City	010	140	1401	0250	35,137		34,037	69,174
Svc City Forces	010	140	1401	0255	0		0	0
Office Supplies	010	140	1401	0301	10,270		10,775	21,045
Books/Periodicals	010	140	1401	0302	508		1,188	1,696
PC Software	010	140	1401	0306	2,500		1,049	3,549
Tool/Shop/Field	010	140	1401	0308			1,034	1,034
Resale Supplies	010	140	1401	0337			4,707	4,707
Membership & Dues	010	140	1401	0401	459		216	675
Property Insurance	010	140	1401	0413	2,469		447	916
Other Liability Insurance	010	140	1401	0415	2,962		4,505	7,467
Replacement	010	140	1401	5851			53	53
Service Credits	010	140	1401	9990	(10,328)		(140,146)	(150,474)
Salaries	010	140	1412	0110	448,333		(448,333)	0
Salaries	010	140	1412	0111	31,963		(31,963)	0
Salaries	010	140	1412	0112	13,801		(13,801)	0
Salaries	010	140	1412	0113	237		(237)	0
Salaries	010	140	1412	0114	25,458		(25,458)	0
Salaries	010	140	1412	0115	1,543		(1,543)	0
Salaries	010	140	1412	0116	4,024		(4,024)	0
Salaries	010	140	1412	0117	314		(314)	0
Salaries	010	140	1412	0118	57		(57)	0
Salaries	010	140	1412	0119	2,016		(2,016)	0
Salaries	010	140	1412	0121	352		(352)	0
Overtime	010	140	1412	0130	0		0	0
Parttime	010	140	1412	0140	0		0	0
Benefits	010	140	1412	0150	1,905		(1,905)	0
Benefits	010	140	1412	0151	36,410		(36,410)	0
Benefits	010	140	1412	0152	10,637		(10,637)	0
Benefits	010	140	1412	0153	1,992		(1,992)	0
Benefits	010	140	1412	0154	4,055		(4,055)	0
Benefits	010	140	1412	0155	3,503		(3,503)	0
Benefits	010	140	1412	0160	78,501		(78,501)	0
Benefits	010	140	1412	0161	12,613		(12,613)	0
Benefits	010	140	1412	0162	7,493		(7,493)	0

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
Benefits	010	140	1412	0163	1,174		(1,174)	0
Benefits	010	140	1412	0164	261		(261)	0
Benefits	010	140	1412	0166	315		(315)	0
Benefits	010	140	1412	0167	1,673		(1,673)	0
Benefits	010	140	1412	0168	13,726		(13,726)	0
Mail-Inside	010	140	1412	0202	1,085		(1,085)	0
Printing-Ins	010	140	1412	0204	1,040		(1,040)	0
Conference Exp	010	140	1412	0207	924		(924)	0
Business Exp	010	140	1412	0208	558		(558)	0
Training Exp	010	140	1412	0209	2,269		(2,269)	0
Utilities	010	140	1412	0210	149		(149)	0
Copier Charges	010	140	1412	0217	1,282		(1,282)	0
Equipment Rental	010	140	1412	0218	28,724		(28,724)	0
R & M Outside	010	140	1412	0223	1,307		(1,307)	0
Professional Services	010	140	1412	0235	0		0	0
Delivery	010	140	1412	0245	0		0	0
Custodial -City	010	140	1412	0250	31,689		(31,689)	0
Office Supplies	010	140	1412	0301	10,380		(10,380)	0
Books/Periodicals	010	140	1412	0302	1,038		(1,038)	0
PC Software	010	140	1412	0306	600		(600)	0
Tool/Shop/Field	010	140	1412	0308	1,034		(1,034)	0
Resale Supplies	010	140	1412	0337	4,707		(4,707)	0
Membership & Dues	010	140	1412	0401	216		(216)	0
Property Insurance	010	140	1412	0413	447		(447)	0
Other Liability Insurance	010	140	1412	0415	4,505		(4,505)	0
Service Credits	010	140	1412	9990	(42,955)		42,955	0
Salaries	010	140	1413	0110	68,434		(68,434)	0
Salaries	010	140	1413	0111	1,572		(1,572)	0
Salaries	010	140	1413	0112	2,921		(2,921)	0
Salaries	010	140	1413	0113	146		(146)	0
Salaries	010	140	1413	0114	2,723		(2,723)	0
Salaries	010	140	1413	0115	17		(17)	0
Salaries	010	140	1413	0116	853		(853)	0
Salaries	010	140	1413	0117	109		(109)	0
Benefits	010	140	1413	0150	197		(197)	0
Benefits	010	140	1413	0151	3,614		(3,614)	0
Benefits	010	140	1413	0152	1,087		(1,087)	0
Benefits	010	140	1413	0153	186		(186)	0
Benefits	010	140	1413	0154	360		(360)	0
Benefits	010	140	1413	0160	12,802		(12,802)	0
Benefits	010	140	1413	0161	1,082		(1,082)	0
Benefits	010	140	1413	0163	218		(218)	0
Benefits	010	140	1413	0164	0		0	0
Benefits	010	140	1413	0166	32		(32)	0
Benefits	010	140	1413	0167	157		(157)	0
Benefits	010	140	1413	0168	326		(326)	0

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
Postage	010	140	1413	0201	32		(32)	0
Business Exp	010	140	1413	0208	50		(50)	0
Training Exp	010	140	1413	0209	410		(410)	0
Copier Charges	010	140	1413	0217	152		(152)	0
Equipment Rental	010	140	1413	0218	533		(533)	0
R & M Outside	010	140	1413	0223	471		(471)	0
Professional Services	010	140	1413	0235	250		(250)	0
Custodial -City	010	140	1413	0250	2,348		(2,348)	0
Office Supplies	010	140	1413	0301	395		(395)	0
Books/Periodicals	010	140	1413	0302	150		(150)	0
PC Software	010	140	1413	0306	449		(449)	0
Replacement	010	140	1413	5851	53		(53)	0
Service Credits	010	140	1413	9990	(97,191)		97,191	0
DID TRANSFER FROM CM TO COMMUNITY DEVELOPMENT								
Postage	090	020	0242	0201	1,000		(354)	646
Conference Exp	090	020	0242	0207	2,000		(2,000)	0
Business Exp	090	020	0242	0208	13,500		(6,402)	7,098
Utilities	090	020	0242	0210	1,200		(610)	590
RE Prop Rent	090	020	0242	0215	4,800		(4,800)	0
R & M Outside	090	020	0242	0223	400		56	456
Contr Reimb	090	020	0242	0234	42,500		(20,949)	21,551
Professional Services	090	020	0242	0235	50,004		4,800	54,804
Promotions	090	020	0242	0237	8,500		(2,205)	6,295
Office Supplies	090	020	0242	0301	1,250		(729)	521
Books/Periodicals	090	020	0242	0302	400		(146)	254
Tool/Shop/Field	090	020	0242	0308	1,700		(1,254)	446
Newsletter	090	020	0242	0435	1,500		(624)	876
DID-4th July	090	020	0242	0457	2,100		154	2,254
DID-Xmas Decor	090	020	0242	0458	7,000		(6,400)	600
Holiday Decor	090	020	0242	5881	6,500		(6,500)	0
Postage	090	140	1442	0201	0		354	354
Conference Exp	090	140	1442	0207	0		2,000	2,000
Business Exp	090	140	1442	0208	0		6,346	6,346
Utilities	090	140	1442	0210	0		610	610
RE Prop Rent	090	140	1442	0215	0		0	0
R & M Outside	090	140	1442	0223	0		0	0
Contr Reimb	090	140	1442	0234	0		20,949	20,949
Professional Services	090	140	1442	0235	0		0	0
Promotions	090	140	1442	0237	0		2,205	2,205
Office Supplies	090	140	1442	0301	0		729	729
Books/Periodicals	090	140	1442	0302	0		146	146
Tool/Shop/Field	090	140	1442	0308	0		1,254	1,254
Newsletter	090	140	1442	0435	0		470	470
DID-4th July	090	140	1442	0457	0		0	0
DID-Xmas Decor	090	140	1442	0458	0		6,400	6,400
Holiday Decor	090	140	1442	5881	0		6,500	6,500

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
WORKERS' COMP REBATE								
Transfer In	113	700	7000	9732	0	492		492
Transfer In	130	700	7000	9732	0	165,515		165,515
Transfer In	600	700	7000	9732	0	59		59
Transfer In	610	700	7000	9732	0	2,049		2,049
Transfer In	621	700	7000	9732	0	7,786		7,786
Transfer In	628	700	7000	9732	0	9,310		9,310
Transfer In	631	700	7000	9732	0	390		390
Transfer In	651	700	7000	9732	0	632		632
Transfer In	660	700	7000	9732	0	1,417		1,417
Transfer In	670	700	7000	9732	0	3,790		3,790
Transfer In	710	700	7000	9732	0	77		77
Transfer In	711	700	7000	9732	0	214		214
Transfer In	712	700	7000	9732	0	31		31
Transfer In	720	700	7000	9732	0	1,450		1,450
Transfer In	731	700	7000	9732	0	268		268
Transfer In	751	700	7000	9732	0	45		45
Transfer In	780	700	7000	9732	0	1,024		1,024
Transfer In	885	700	7000	9732	0	258		258
Transfer In	890	700	7000	9732	0	155		155
Transfer In	905	700	7000	9732	0	38		38
Contingency Reserve	113	800	8000	8003	7,307		492	7,799
Contingency Reserve	130	800	8000	8003	240,578		165,515	406,093
Contingency Reserve	600	800	8000	8003	390,254		59	390,313
Contingency Reserve	610	800	8000	8003	4,699,949		2,049	4,701,998
Contingency Reserve	621	800	8000	8003	8,223,409		7,786	8,231,195
Contingency Reserve	628	800	8000	8003	1,036,396		9,310	1,045,706
Contingency Reserve	631	800	8000	8003	(51,093)		390	(50,703)
Contingency Reserve	651	800	8000	8003	985,465		632	986,097
Contingency Reserve	660	800	8000	8003	1,455		1,417	2,872
Contingency Reserve	670	800	8000	8003	94,092		3,790	97,882
Contingency Reserve	710	800	8000	8003	(45,490)		77	(45,413)
Contingency Reserve	711	800	8000	8003	(151,351)		214	(151,137)
Contingency Reserve	712	800	8000	8003	13,679		31	13,710
Contingency Reserve	720	800	8000	8003	456,439		1,450	457,889
Contingency Reserve	731	800	8000	8003	489		268	757
Contingency Reserve	751	800	8000	8003	3,774,528		45	3,774,573
Contingency Reserve	780	800	8000	8003	8,822		1,024	9,846
Contingency Reserve	885	800	8000	8003	802,441		258	802,699
Contingency Reserve	890	800	8000	8003	145,103		155	145,258
Contingency Reserve	905	800	8000	8003	0		38	38
Transfer Out	732	700	7000	7113	0		492	492
Transfer Out	732	700	7000	7130	0		165,515	165,515
Transfer Out	732	700	7000	7600	0		59	59
Transfer Out	732	700	7000	7610	0		2,049	2,049
Transfer Out	732	700	7000	7621	0		7,786	7,786

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
Transfer Out	732	700	7000	7628	0		9,310	9,310
Transfer Out	732	700	7000	7631	0		390	390
Transfer Out	732	700	7000	7651	0		632	632
Transfer Out	732	700	7000	7660	0		1,417	1,417
Transfer Out	732	700	7000	7670	0		3,790	3,790
Transfer Out	732	700	7000	7710	0		77	77
Transfer Out	732	700	7000	7711	0		214	214
Transfer Out	732	700	7000	7712	0		31	31
Transfer Out	732	700	7000	7720	0		1,450	1,450
Transfer Out	732	700	7000	7731	0		268	268
Transfer Out	732	700	7000	7751	0		45	45
Transfer Out	732	700	7000	7780	0		1,024	1,024
Transfer Out	732	700	7000	7885	0		258	258
Transfer Out	732	700	7000	7890	0		155	155
Transfer Out	732	700	7000	7905	0		38	38
Claims Expense	732	030	6610	0410	2,322,900		(195,000)	2,127,900

CDBG & HOME CARRYOVER, APPROPRIATION & CONTINGENCY RESERVE ADJUSTMENTS

CDBG-Operating Grant	113	140	1452	3513	251,199	6,503		257,702
CDBG-Operating Grant	113	140	1454	3513	180,171	(10,000)		170,171
CDBG-Operating Grant	113	140	1455	3513	156,100	(13,700)		142,400
CDBG-Operating Grant	113	140	1456	3513	1,499,929	(570,195)		929,734
CDBG-Operating Grant	113	140	1457	3513	216,231	(50,955)		165,276
CDBG-Operating Grant	113	140	1462	3513	669,370	209,267		878,637
CDBG-Operating Grant	115	140	1466	3513	0	558,736		558,736
CDBG-Operating Grant	116	140	1467	3513	0	90,955		90,955
HOME Grant	117	140	1458	3517	888,152	688,965		1,577,117
HOME Grant	117	140	1459	3517	100,000	53,672		153,672
CAD Computer	113	140	1452	5884	8,000		(8,000)	0
CDBG-Dir Grant	113	140	1454	0496	144,125		(10,000)	134,125
CDBG-Dir Grant	113	140	1455	0496	79,000		(8,700)	70,300
Loan Principle	113	140	1455	0499	25,000		(5,000)	20,000
Benefits	113	140	1456	0160	40,794		494	41,288
Professional Services	113	140	1456	0235	45,000		25,000	70,000
CDBG-Dir Grant	113	140	1456	0496	47,155		(43,000)	4,155
Loan Principle Payouts-EHRP	113	140	1456	0495	200,000		(200,000)	
Loan Principle	113	140	1456	0497	633,771		(633,771)	0
Computer Equipment	113	140	1456	5885	1,000		7,000	8,000
Loan Principle	113	140	1457	0497	175,000		(175,000)	0
Transfer Out	113	700	7000	7070	430,255		(250,255)	180,000
Contingency Reserve	113	800	8000	8003	7,307		(1,415)	5,892
Loan Principle Payouts	114	140	14**	0497	0		15,729	15,729
Loan Principle Payouts-EHRP	115	140	1466	0495	0		200,000	200,000
Loan Principle Payouts	115	140	1466	0497	0		635,862	635,862
Loan Principle Payouts	116	140	1467	0497	0		215,000	215,000
Salaries	117	140	1458	0110	32,300		34,229	66,529

MIDYEAR ADJUSTMENT SCHEDULE A

					Current Budget	Revenue Increase/ (Decrease) Amount	Appropriations Increase/ (Decrease) Amount	Revised Budget
Conference Exp	117	140	1458	0207	500		1,000	1,500
CDBG-Dir Grant	117	140	1458	0496	0		20,000	20,000
Loan Principle	117	140	1458	0497	797,648		622,152	1,419,800
Service Credits	117	140	1458	9990	(28,513)		23,370	(5,143)
Loan Principle	117	140	1459	0497	100,000		53,672	153,672
Contingency Reserve	117	800	8000	8003	(1,273)		1,273	0

MODESTO CITY COUNCIL
RESOLUTION NO. 95-84

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED WAY FOR ADMINISTRATION OF THE CENTRAL VALLEY INFORMATION AND REFERRAL SYSTEM TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS DURING 1994-95

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and United Way in the amount of \$10,000 for administration of the Central Valley Information and Referral System to be funded with Community Development Block Grant Funds during 1994-95 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 14th day of February, 1995, by Councilmember McClanahan , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-85

A RESOLUTION ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT ONLY WITH RESPECT TO MEMBERS OF A SPECIFIC EMPLOYEE ORGANIZATION AND FIXING THE EMPLOYER'S CONTRIBUTION AT AN AMOUNT AT OR GREATER THAN THAT PRESCRIBED BY SECTION 22825 OF THE GOVERNMENT CODE.

WHEREAS, Government Code Section 22850.3 provides that a contracting agency may elect upon proper application to participate under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization only, and

WHEREAS, the City of Modesto hereinafter referred to as Public Agency is a local agency contracting with the Public Employees' Retirement System, and

WHEREAS, the Public Agency desires to obtain for the members of the Modesto City Firefighters Association, who are employees and annuitants of the Public Agency, the benefit of the Act and to accept the liabilities and obligations of an employer under the Act and Regulations,

NOW, THEREFORE, BE IT RESOLVED that the Public Agency elect, and it does hereby elect, to be subject to the provisions of the Act.

BE IT FURTHER RESOLVED that the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a

maximum of sixteen (\$16.00) dollars per month plus administrative fees and Contingency Reserve Fund assessments.

BE IT FURTHER RESOLVED that the executive body appoint and direct, and it does hereby appoint and direct the Risk Manager to file with the Board of Administration of the Public Employees' Retirement System a verified copy of this Resolution, and to perform on behalf of said Public Agency all functions required of it under the Act and Regulations of the Board of Administration.

BE IT FURTHER RESOLVED that coverage under the Act shall become effective on August 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-86

A RESOLUTION APPROVING A THIRD AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER FOR CORPORATE HANGAR PLOTS 1 AND 2 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the third amendment to lease agreement between the City of Modesto and Modesto Executive Air Charter for corporate hangar plots 1 and 2 at the Modesto City/County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 14th day of February, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-87

A RESOLUTION APPROVING THE THIRD AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EXECUTIVE AIR CHARTER FOR THE LEASE OF CORPORATE HANGAR PLOTS 3, 4 AND 5 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the third amendment to an agreement between the City of Modesto and Executive Air Charter for the lease of corporate hangar plots 3, 4 and 5 at the Modesto City/County Airport 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 14th day of February, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-88

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MATT VELLA
FOR THE PAYMENT OF CROP DAMAGES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Matt Vella for the payment of crop damages caused by the City's installation of a waterline 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 14th day of February, 1995, by Councilmember McClanahan , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-89

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A USED OIL OPPORTUNITY GRANT.

WHEREAS, the California Oil Recycling Enhancement Act (Act) (Statutes of 1991, Chapter 817) authorizes the California Integrated Waste Management Board to issue annual grants to enhance the collection and recycling of used lubricating oil, and

WHEREAS, Opportunity Grants will be awarded to local governments on a competitive basis for the establishment of new programs or the enhancement of existing programs that encourage recycling or appropriate disposal of used lubricating oil by the public or small businesses, and

WHEREAS, matching funds by the City is not required to obtain an Opportunity Grant, and

WHEREAS, Opportunity Grants will be awarded to local governments on a competitive basis for the establishment of new programs or the enhancement of existing programs that encourage recycling or appropriate disposal of used lubricating oil by the public or small businesses, and

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application for the 1994/95 Local Government Used Oil Opportunity Grant so that the City can obtain funds to continue its comprehensive public education program on used oil and assist local businesses in

establishing or enhancing collection services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all necessary applications, contracts, payment requests, agreements, and amendments thereto for submittal to the California Integrated Waste Management Board for a 1994-95 Local Government Used Oil Opportunity Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Freidman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-90

A RESOLUTION APPOINTING RAJU MATHEW, BETTY LEWIS AND GEOFFREY HUTCHESON TO THE INTERNATIONAL FRIENDSHIP COMMITTEE, AND REAPPOINTING HANNAH PARRIS, TERRY KATZAKIAN AND DONALD KNIES

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

SECTION 1. The following persons are hereby appointed to the International Friendship Committee:

Appointed:

Raju Mathew - term to expire 1/1/96
Betty Lewis - term to expire 1/1/99
Geoffrey Hutcheson - term to expire 1/1/99

Reappointed:

Hannah Parris - term to expire 1/1/99
Terry Katzakian - term to expire 1/1/99
Donald Knies - term to expire 1/1/99

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the members of the International Friendship 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 14th day of February, 1995, Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

D. J.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-91

A RESOLUTION CONSENTING TO THE TRANSFER OF
THREE CERTIFICATES OF CONVENIENCE AND
NECESSITY TO OPERATE TAXICABS FROM ARNOLD
ARRAMBIDE, DOING BUSINESS AS "A TOUCH OF
CLASS TAXICAB COMPANY", TO MICHAEL QUINN.

WHEREAS, an application was filed with the City Clerk's Office requesting Council approval of the transfer of three (3) certificates of convenience and necessity to operate taxicabs from Arnold Arrambide, doing business as "A Touch of Class Taxicab Company, to Michael and Karen Quinn,, and

WHEREAS, pursuant to Modesto Municipal Code Section 4-6.205, the City of Modesto Police and Finance Departments conducted background checks on Michael and Karen Quinn, and both departments were unable to find any negative information against Michael or Karen Quinn which would result in the denial of the transfer, and

WHEREAS, pursuant to Modesto Municipal Code Section 4-6.209, City Council approval is required for the purchase and transfer of Certificates of Convenience and Necessity to operate taxicabs in the City of Modesto, and

WHEREAS, said application was duly noticed and set for a public hearing before the Cit Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 21, 1995, at 7:00 p.m., and

WHEREAS, said public hearing was held at the date and

time noted above, and after hearing evidence both oral and documentary, the Council found and determined that the application requesting Council approval of the transfer of three (3) certificates of convenience and necessity to operate taxicabs from Arnold Arrambide, doing business as "A Touch of Class Taxicab Company, to Michael and Karen Quinn, should be granted for the reason that it would serve the best interests of the public safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the transfer of three (3) certificates of public convenience and necessity to operate taxicabs in the City of Modesto from Arnold Arrambide, doing business as "A Touch of Class Taxicab Company, to Michael and Karen Quinn, is hereby authorized in accordance with Section 4-6.209 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 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-92

A RESOLUTION ACCEPTING THE BID OF INFINET FOR FURNISHING A FIRE
DEPARTMENT COMPUTER NETWORK SYSTEM

WHEREAS, Resolution No. 94-655, adopted by the Council of the City of Modesto on November 15, 1994, approved the plans and specifications for the purchase of a Fire Department computer network system; and

WHEREAS, the bids received for the Fire Department computer network system were opened at 11:00 a.m. on December 12, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of InfiNet, in the amount of \$64,163, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of InfiNet, 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 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-93

A RESOLUTION APPROVING A PARKING LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND WITHROW, CRONIN AND CICCARELLI FOR LEASE OF TWO PARKING SPACES AT THE MCHENRY MANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the parking lease agreement between the City of Modesto and Withrow, Cronin and Ciccarella for lease of two parking spaces at the McHenry Mansion 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 21st day of February, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-94

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLANNING CENTER, PRIMARY CONSULTANT ASSISTED BY THE WHITNEY RESEARCH GROUP, SUBCONSULTANT, TO PREPARE A VILLAGE ONE SPECIFIC PLAN AND FINANCE PLAN FEASIBILITY ANALYSIS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Planning Center, primary consultant assisted by The Whitney Research Group, subconsultant to prepare a Village One Specific Plan and Finance Plan Feasibility Analysis 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 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-95

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLANNING CENTER FOR CONSULTING SERVICES.

WHEREAS, the Community Development and Housing Committee asked for a 30-day critique of the Village One Specific Plan and,

WHEREAS, the action is recommended to determine what amendments should be made in the Village One Specific Plan and what other actions should be taken to facilitate development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION ADJUSTMENTS

		APPROPRIATIONS		
FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Village I				
080-140-1433-0235	Professional Services, Other	11,788	15,750	27,538
080-800-8000-8003	Contingency Reserve	141,680	(15,750)	125,930
	Total Appropriation Adjustment		0	

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-96

A RESOLUTION TERMINATING THE EMERGENCY
PREPAREDNESS AGREEMENT WITH THE COUNTY OF
STANISLAUS.

WHEREAS, by an Agreement which commenced on July 1, 1984, and which was entered into on March 19, 1985, the City of Modesto and the County of Stanislaus entered into an Agreement for Emergency Preparedness services, and

WHEREAS, Paragraph VI of said Agreement provided that either party may terminate the Agreement by written notice to do so on or before March 31st of any year, and

WHEREAS, by a memo dated February 6, 1995, the Fire Chief has recommended to the City Council that the City Manager be authorized to terminate said Agreement for Emergency Preparedness services, as there has been a reorganization of the mid-management positions within the Fire Department which would enable the City to be better served by assigning the duties associated with Emergency Preparedness to a Fire Battalion Chief within the Fire Department, and

WHEREAS, at its meeting of February 21, 1995, the City Council considered the recommendation of the Fire Chief to terminate said Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emergency Preparedness Agreement between the City of Modesto and the County of Stanislaus entered into on March 19, 1985, which commenced on July 1, 1984, is hereby

terminated, and the City Manager is authorized to take any action that might be necessary to accomplish said termination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-97

A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND WESTPORT FIRE PROTECTION DISTRICT FOR FIRE SERVICE PROTECTION TO THE SECONDARY WATER TREATMENT PLANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid Agreement between the City of Modesto and Westport Fire Protection District for fire service protection to the Secondary Water Treatment Plant 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 21st day of February, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-98

A RESOLUTION APPROVING A HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF FACILITIES AT MODESTO JUNIOR COLLEGE FOR THE CITY OF MODESTO'S RECREATION ACTIVITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Hold Harmless Agreement between the City of Modesto and Yosemite Community College District for use of facilities at Modesto Junior College for the City of Modesto's recreation activities 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 21st day of February, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL

RESOLUTION NO. 95-99

RESOLUTION OF THE CITY OF MODESTO DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, City of Modesto (the "Issuer") is a municipal corporation, public body, corporate and politic, duly created, established and authorized to transact business and exercise its powers, all under and pursuant to its Charter and the laws of the State of California; and

WHEREAS, the Issuer, on May 10, 1994, adopted Resolution No. 94-264 (the "Prior Resolution") declaring its intention to reimburse itself from proceeds of certain tax-exempt financings made and/or to be made in connection with the acquisition, construction and equipping of certain capital improvements, and now desires to supplement the Prior Resolution, as described herein; and

WHEREAS, the Issuer has paid, beginning no earlier than December 23, 1994, which date is not more than sixty (60) days prior to the adoption of this resolution, and will pay, on and after the date hereof, certain expenditures not described in the Prior Resolution (the "Expenditures") in connection with the acquisition, construction and/or equipping of City Hall, which shall be an additional component of the Plaza Project (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the City Council of the Issuer (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

Section 1. The City Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after December 23, 1994, a date which is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. Recognizing that portions of the Project may not be eligible for financing on a tax-exempt basis, the maximum principal amount of the Bonds expected to be issued for the Project is \$15,000,000.


Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang
Friedman
NOES: Councilmembers:
ABSENT: Councilmembers: McClanahan, Patterson


ATTEST:



Norrine Coyle
City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

Michael D. Milich
City Attorney

Description of the Plaza Project

The Plaza Project is a mixed-use development proposed for development in downtown Modesto. It is to be located between 9th, 11th, J and K Streets, immediately south of the Red Lion Hotel and Modesto Centre Plaza.

The project has several major components, beginning with one or more office buildings. One office building is envisioned as a 5-story structure with roughly 163,000 square feet of office space. This building is to be home to Modesto City Schools and the Stanislaus County Office of Education. A second building of roughly 90,000 square feet is to be a new City Hall for the City of Modesto. It is also possible that additional office space could be built into the project depending upon market demand.

A second major component of the project is entertainment uses, including a multi-screen cinema complex. Other possible entertainment uses are being explored.

A third major component is retail space. Current plans include roughly 73,000 square feet of retail space. Some of the retail space is freestanding, some located within the same buildings as the office space and the cinemas.

The fourth component of the project is parking. A major parking structure is contemplated to serve all the uses in the project.

RECORDING REQUESTED BY
AND RETURN TO:
CITY OF MODESTO
PO BOX 642
MODESTO CA 95353

MODESTO CITY COUNCIL
RESOLUTION NO. 95-100

A RESOLUTION SUMMARILY VACATING AND
ABANDONING EXCESS ALLEY RIGHT-OF-WAY AND
RESERVING A 20-FOOT PUBLIC UTILITY EASEMENT
IN BLOCK 38 BETWEEN 7TH AND 8TH STREETS,
NORTH OF M STREET, IN THE CITY OF MODESTO
PURSUANT TO THE CALIFORNIA STREETS AND
HIGHWAYS CODE.

WHEREAS, the City of Modesto has received a request
from Dr. Kenneth Lemings, the property owner at 1313 8th Street,
to abandon the excess alley right-of-way in Block 38 between 7th
and 8th Streets, North of M Street, in the City of Modesto, and

WHEREAS, the California Streets and Highways Code
authorizes a city council, by resolution, to summarily vacate
alleys, and

WHEREAS, said excess alley right-of-way is located in
Block 38 in the City of Modesto, and is more particularly
described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and
declares that:

1. The vacation is made pursuant to Section 8334 of
the California Streets and Highways Code.

2. Section 8334 of the California Streets and Highways Code provides that the legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes, and

WHEREAS, the Council finds and declares that the excess alley right-of-way in Block 38 of the City of Modesto, between 7th and 8th Streets, North of M Street, is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the excess alley right-of-way located in Block 38 of the City of Modesto, which is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's office.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves an easement for utility services located in Block 38 of the City of Modesto located between 7th and 8th Streets, North of M Street.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

VACATE AND ABANDON THE ALLEY BETWEEN 7TH STREET AND 8TH STREET NORTH OF "M" STREET INCLUDING A PORTION OF "N" STREET BETWEEN BLOCK 38 AND BLOCK F

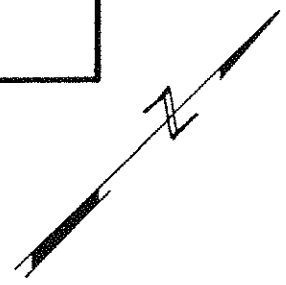
All that portion of the Southwest quarter of Section 29, Township 3 South, Range 9 East, Mound Diablo Base and Meridian, described as follows:

Commencing at the intersection of the Northwesterly line of "M" Street with the Northeasterly line of alley adjacent to Lots 1 through 16 of Block 38 as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence North $43^{\circ} 29' 30''$ East 400.00 feet to the beginning of a nontangent curve concave to the Northeast, said curve being the Northeasterly line of a 17-foot strip of the Southern Pacific Railroad Company abandoned spur track; thence, continuing along said curve to the intersection with the Southeasterly line of Block F; thence South $46^{\circ} 30' 30''$ West, 30 feet more or less to the Northeasterly line of Washington Street; thence, South $0^{\circ} 52'$ East along the projection of said right of way line to a point on the Northwesterly line of Block 38; thence North $46^{\circ} 30' 30''$ East 57.15 feet; thence, South $43^{\circ} 29' 30''$ East 400.00 feet; thence, North $46^{\circ} 30' 30''$ East 20 feet to the true point of beginning.

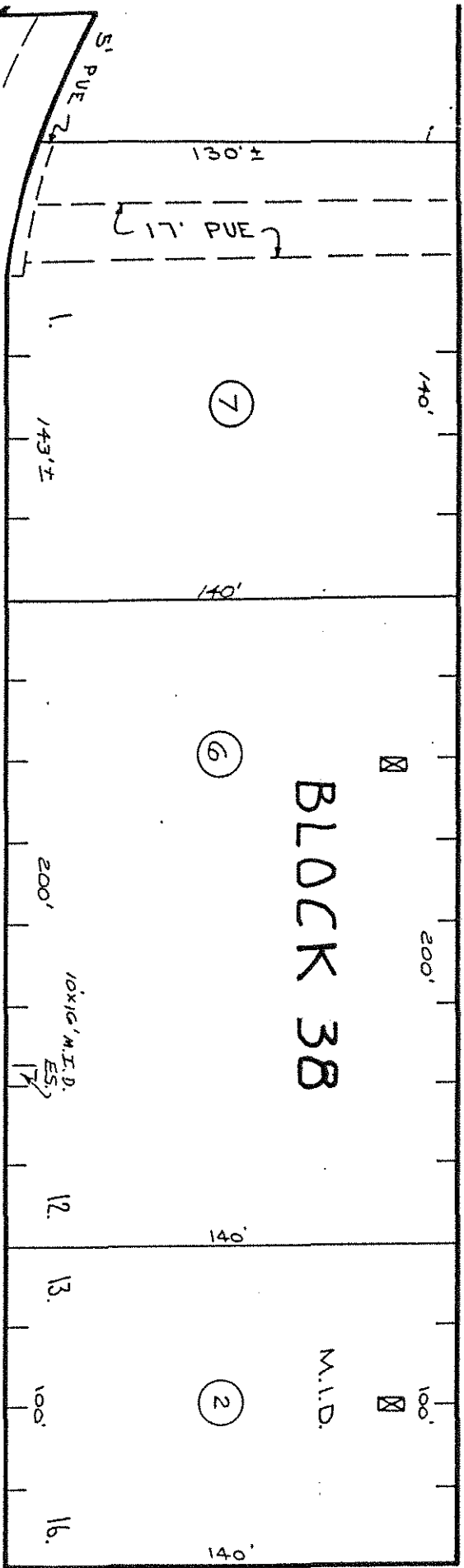
Reserving from above, the entire area described, as a Public Utility Easement and right necessary to maintain, operate, replace, remove or renew the public utility facilities.

Further, that access to public facilities shall be required at all times for maintenance, inspection, testing and reading. Any gates installed shall be a minimum of 14' in width and shall allow for required locks. Gates installed at the "M" Street entrance shall not connect to the District's existing substation fence and plans should be reviewed by the District's Electrical Department prior to construction.

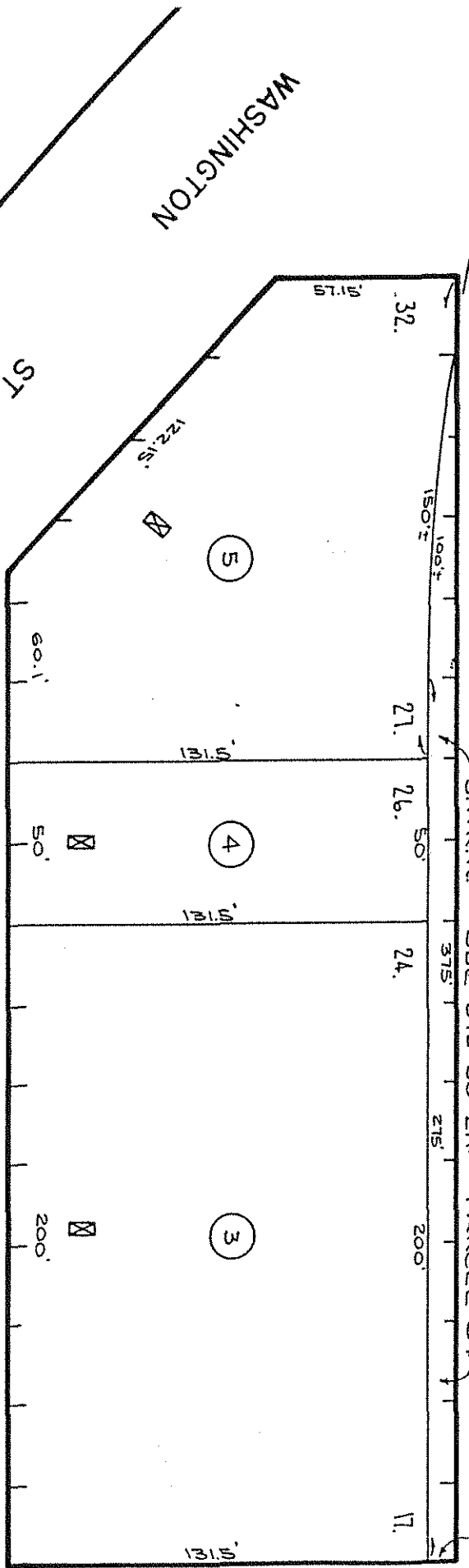
72' 8th ST. 200' 200' 100'



BLOCK 38



20' ALLEY



WASHINGTON ST.

80' 7th ST. 80'

80' M P ST.

AKUS

MODESTO CITY COUNCIL
RESOLUTION NO. 95-101

A RESOLUTION APPROVING A FREEWAY MAINTENANCE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, DEFINING THE CITY'S RESPONSIBILITIES REGARDING MAINTENANCE OF THE PORTIONS OF CROWS LANDING ROAD, KANSAS AVENUE AND PELANDALE AVENUE OVERCROSSINGS OVER SR99 WHICH FALL WITHIN THE CITY LIMITS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the freeway maintenance agreement between the City of Modesto and the State of California, defining the City's responsibilities regarding maintenance of the portions of Crows Landing Road, Kansas Avenue and Pelandale Avenue overcrossings over SR99 which fall within the City limits 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 21st day of February, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-102

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF CERES TO MANAGE CERES' PART OF THE MODESTO CLOSED CIRCUIT TELEVISION (CCTV)/CERES ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Ceres to manage Ceres' part of the Modesto Closed Circuit Television (CCTV)/Ceres Advanced Traffic Management System (ATMS) Project be, and it is hereby approved.

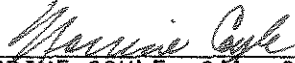
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-103

A RESOLUTION APPOINTING ROBERT HAUFF TO THE AIRPORT ADVISORY COMMITTEE

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

SECTION 1. The following person is hereby appointed to the Airport Advisory Committee:

Robert Hauff - term to expire on 1/1/99

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the new 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 21st day of February, 1995, Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-104

A RESOLUTION APPOINTING ERNEST FOOTE AND REAPPOINTING GEORGE PETTYGROVE
TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

SECTION 1. The following persons are hereby appointed or
reappointed to the Local Cable Programming Committee:

Appointed: Ernest Foote, term to expire 1/1/99

Reappointed: George Pettygrove, term to expire on 1/1/99

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the members of the Local Cable programming
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 21st day of February, 1995,
Councilmember Dobbs , who moved its adoption, which motion being
duly seconded by Councilmember Muratore , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-105

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR ONE SELF-PROPELLED LIFT FOR DISABLED AIRCRAFT PASSENGERS

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

SECTION 1. The specifications for one self-propelled lift for disabled aircraft passengers, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 3, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 28th day of February, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-106

A RESOLUTION ACCEPTING THE BID OF CIMARRON CONSTRUCTION FOR SEWER REHABILITATION 1995 - NORWEGIAN AVENUE, FLOYD AVENUE, AND E. MORRIS AVENUE

WHEREAS, the bids received for sewer rehabilitation 1995 - Norwegian Avenue, Floyd Avenue, and E. Morris Avenue, were opened at 11:00 a.m. on February 14, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Cimarron Construction, in the amount of \$111,496, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Cimarron 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 28th day of February, 1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-107

A RESOLUTION ACCEPTING THE BID OF THE MCDONALD GLENN COMPANY FOR HANDICAP RESTROOM REMODEL, ROOSEVELT, DOWNEY AND DAVIS PARKS

WHEREAS, Resolution No. 94-690, adopted by the Council of the City of Modesto on December 13, 1994, approved the plans and specifications for handicap restroom remodel, Roosevelt, Downey and Davis Parks, and authorized the calling for bids; and

WHEREAS, the bids received for the handicap restroom remodel, roosevelt, Downey and Davis Parks were opened at 11:00 a.m. on January 10, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of The McDonald Glenn Company in the amount of \$104,182, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of The McDonald Glenn 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 28th day of February, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-108

A RESOLUTION ACCEPTING THE CLAUS ROAD SIDEWALK AND LANDSCAPING MODIFICATIONS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Claus Road sidewalk and landscaping modifications, has been completed by Grover Landscaping Inc., in accordance with the contract agreement dated August 9, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Claus Road sidewalk and landscaping modifications be accepted from said contractor, Grover Landscaping Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$43,668.62, 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 28th day of February, 1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-109

A RESOLUTION ACCEPTING THE GAC ADSORBER SYSTEM INSTALLATION AT WELLS 14 AND 40 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the GAC adsorber system installation at Wells 14 and 40, has been completed by Conco-West, Inc., in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the GAC adsorber system installation at Wells 14 and 40 be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$88,060, 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 28th day of February, 1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrene Coyle*
NORRENE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-110

A RESOLUTION ACCEPTING THE CAPE SEAL OF VARIOUS CITY STREETS, 1994, AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the cape seal of various city streets, 1994, has been completed by Graham Contractor, Inc., in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the cape seal of various city streets, 1994 be accepted from said contractor, Graham Contractor, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$220,519.38, 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 28th day of February, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-111

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$11,000 TO FUND THE
CAPE SEAL VARIOUS CITY STREETS 1994 PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM:	Scenic Drive widening (070 430 B912 6040)	\$11,000
TO:	Cape seals 1994 (070 430 D282 6040)	\$11,000

During the course of construction, the contractor was required to
replace more materials than originally anticipated. This resulted
in additional costs which were not anticipated under the original
contract.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 28th day of February,
1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-112

A RESOLUTION APPROVING AN ESCROW AGREEMENT BETWEEN THE CITY OF MODESTO AND GSE CONSTRUCTION CO., CONTRACTOR FOR THE THOUSAND OAKS LIFT STATION, ALLOWING THE NORMAL 10% RETENTION HELD ON A PUBLIC WORKS PROJECT TO BE DESPOSITED INTO AN ESCROW ACCOUNT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the escrow agreement between the City of Modesto and GSE Construction Co., contractor for the Thousand Oaks lift station, allowing the normal 10% retention held on a public works project to be deposited into an escrow account 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 28th day of February, 1995, by Councilmember Muratore ,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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-113

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY MANAGER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the employment agreement between the City of Modesto and the City Manager 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 28th day of February, 1995, by Councilmember Muratore ,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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-114

A RESOLUTION ACCEPTING THE RESIGNATION OF STEVE BAILEY FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE FEBRUARY 28, 1995

WHEREAS, Steve Bailey was appointed a member of the Affirmative Action Commission on January 24, 1995; and

WHEREAS, because other commitments do not allow the time to take on additional responsibilities at this time, Steve Bailey is not able to accept the appointment to the Affirmative Action Commission, and his resignation is effective February 28, 1995; and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Steve Bailey from the Affirmative Action Commission be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-115

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(507). (SELF-
HELP ENTERPRISES)

WHEREAS, a verified application for an amendment to
Section 6-4-9 of the Zoning Map was filed by Self-Help
Enterprises on December 13, 1994, to reclassify from Low Density
Residential Zone, R-1, and Neighborhood Commercial Zone, C-1, to
Planned Development Zone, P-D, to allow a multi- and single-
family development, property located on the southeast side of
Paradise Road at Mayette Avenue, described as follows:

R-1 to P-D(507)

ALL that portion of the Northeast quarter of Section 6,
Township 4 South, Range 9 East, Mount Diablo Base and
Meridian described as follows:

BEGINNING at the Northwest corner of Lot 4, Block 3060,
of the Southgate Subdivision as recorded in Volume 34
of Maps at Page 30, Stanislaus County Records; thence
North 89 degrees 00' 58" East along the North line of
said Southgate Subdivision a distance of 236.93 feet to
its East line; also known as the Southeast corner of
Parcel 1 as shown on the map filed in Volume 1 of
Parcel Maps at Page 63, Stanislaus County Records;
thence North 1 degree 06' 45" West along the East line
of said Parcel 1 and the West line of Luck Estates as
recorded in Volume 27 of Maps at Page 86, Stanislaus
County Records a distance of 158.63 feet to the
Northwest corner of said Luck Estates subdivision;
thence North 89 degrees 00' East along the North line
of said Luck Estates Subdivision a distance of 404.71
feet to the East line of said Luck Estates and the West
line of Uccello Manor as recorded in Volume 17 of Maps
at Page 56, Stanislaus County Records; thence North 1
degrees 00' West along said common line between Luck
Estates and Uccello Manor and the Northerly projection
thereof a distance of 374.37 feet to a point on the
present Westerly terminus of Vicksburg Street as shown
on the map recorded in Volume 19 of Maps at Page 9,
Stanislaus County Records; thence South 49 degrees 17'

West along a line parallel to and 222 feet distant Southeasterly from the present Southeasterly right-of-way line of Paradise Road and its Northeasterly projection thereof a distance of 834 feet more or less to the POINT OF BEGINNING.

C-1 to P-D(507)

ALL that portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

BEGINNING at the Northwestern corner of Parcel 1, as shown on the map recorded in Volume 1 at Page 63 of Parcel Maps, Stanislaus County Records; thence South 1 degrees 27' 34" East along the West line of said Parcel 1 a distance of 287.64 feet to the Northwest corner of Lot 4, Block 3060 of the Southgate Subdivision as recorded in Volume 34 of Maps at Page 30, Stanislaus County Records; thence North 49 degrees 17' East parallel to and 222 feet distance perpendicularly from the present Southeasterly right-of-way line of Paradise Road a distance of 834 feet \pm to its intersection with the West line of Walnut Grove Subdivision as shown on the map recorded in Volume 19 of Maps at Page 9, Stanislaus County Records; thence North 1 degrees 00' West a distance of 325.62 feet, to the present Southeasterly right-of-way line of Paradise Road; thence in a Southwesterly direction along said Southeasterly right-of-way line of Paradise Road a distance of 861.19 feet to the POINT OF BEGINNING. INCLUDING ALSO the Southeasterly one-half of Paradise Road immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on February 6, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 95-03, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. To provide for the low-income housing needs within the City of Modesto.
2. To allow for a mixed density housing development that has different levels of low-income housing opportunities.
3. To provide a project that is compatible with the adjoining neighborhood, and with the goals and policies of the General Plan.

and

WHEREAS, after a public hearing held on March 7, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Self-Help Enterprises 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. 95-03 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2943 -C.S. on the 7th day of March, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(507).

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(507), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Paradise Road Housing Project" as amended in red, stamped approved by the City Council on March 7, 1995.

2. The two access lanes onto Paradise Road shall be a minimum of 16 feet wide. The multi-family structure behind single-family lots 3, 4, and 5 shall be equipped with fire suppression devices (sprinklers) as per standards set forth by the City Fire Department.
3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Landscaping and the irrigation system shall be installed maintained in accordance with the approved plan.
4. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Six-foot (6') high wood fence with decorative masonry pilasters at 16 foot on centers as shown on the approved plan.
 - b. Eight-foot (8') high decorative masonry wall along the southwest property line adjoining the commercially-zoned property.
 - c. Six-foot (6') wrought-iron fencing along street frontages as shown on the approved plan.
 - d. Six-foot (6') high wood fence without gates to enclose all private patios to preclude all possible pedestrian access through units to the adjoining neighborhood to the southeast.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
7. Street dedication consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

8. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
9. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Public Works and Transportation Director. Easements for irrigation lines to remain shall be dedicated.
10. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
11. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
12. All utilities shall be underground and cable television service shall be stubbed into all units.
13. Trash cans shall be screened from view from any public street.
14. Prior to the issuance of a building permit for any structure, a final subdivision map shall be recorded.
15. 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.
16. All signs shall comply with the sign requirements of the R-2 Zone.
17. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set

aside, void, or annul, any approval by the City of Modesto of a development approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. 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 subdivider 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(507):

The entire construction program be accomplished in one phase, construction to begin on or before March 7, 1997, and completion to be not later than March 7, 1998.

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 X 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(507), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 95-116

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 AND C-1 TO P-D(507). (SELF-HELP ENTERPRISES)

WHEREAS, on January 4, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 6-4-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(507), property located on the southeast side of Paradise Road at Mayette Avenue might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-117

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING AND INSTALLING 32 RADIOS WITH P.A. SYSTEM IN MAX BUSES

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

SECTION 1. The specifications for furnishing and installing 32 radios with P.A. system in MAX buses, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 3, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-118

A RESOLUTION ACCEPTING THE BID OF LIONADAKIS REMOVAL SERVICE FOR CHIPPING/GRINDING AND SHORT TERM STORAGE OF GREEN WASTE, AND/OR TRANSPORTATION SERVICES FOR THE CHIPPED GREEN WASTE

WHEREAS, Resolution No. 94-691, adopted by the Council of the City of Modesto on December 13, 1994, approved the plans and specifications for purchase of chipping/grinding and short term storage of green waste, and/or transportation services for the chipped green waste for up to fifteen months, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of chipping/grinding and short term storage of green waste, and/or transportation services for the chipped green waste were opened at 11:00 a.m. on January 3, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Lionudakis Removal Service in the amount of \$192,517, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lionudakis Removal Service 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 March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-119

A RESOLUTION REJECTING BIDS FOR INSTALLATION OF WATER TANK 4 AND WELL 54 DUE TO EXPIRATION OF THE 30-DAY PERIOD TO AWARD THE BID

WHEREAS, Resolution No. 94-115, adopted by the Council of the City of Modesto on February 22, 1994, approved the plans and specifications for the installation of water tank 4 and well 54, and authorized the call for bids; and

WHEREAS, the bids received for the installation of water tank 4 and well 54, were opened at 11:00 a.m. on March 24, 1994; and

WHEREAS, award of bids was delayed because Stanislaus County Public Works showed an interest in excavating and taking the excess dirt from the project; and

WHEREAS, after soil tests, the County determined the dirt was not suitable for thier purpose, but the 30-day period to award the bid had passed, thus the project needs to be rebid.

NOW, THEREFORE, BE IT R5ESOLVED by the Council of the City of Modesto that all bids received for the installation of water tank 4 and well 54, and opened in the office of the City Clerk on March 24, 1994, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-120

A RESOLUTION APPROVING A REDUCTION IN
RETENTION MONIES RELATING TO THE DOWNTOWN
TRANSPORTATION CENTER PROJECT FROM 10% TO 5%
OF THE TOTAL CONTRACT AMOUNT, TITAN
STRUCTURES, INC., PRIME CONTRACTOR.

WHEREAS, the City has received a request from Titan
Structures, Inc., the prime contractor on the Downtown
Transportation Center project, to reduce the retention of monies
in relation to said project, and

WHEREAS, a reduction of retention monies to five (5%)
percent is permissible under Section 9203 of the Public Contract
Code, when it is deemed that satisfactory progress is being made
on the work, and

WHEREAS, there are seven (7) stop notices currently on
file with the City Clerk on the project, all construction work has
been completed on this project by the contractor, and the City
took beneficial use of the facility on December 6, 1993, and

WHEREAS, the only item remaining on this project is to
resolve some labor and wage compliance issues in order to fulfill
Federal Grant money requirements, thus said project cannot be
closed-out and processed for acceptance by the City Council until
said matter has been resolved, and

WHEREAS, currently, the City is retaining \$282,100.10
in relation to said project, and the five (5%) percent requested
reduction in the retention monies would reduce the amount
retained by the City to \$141,050.05,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request received from Titan Structures, Inc., to reduce the retention of monies relating to the Downtown Transportation Center project is hereby approved, said reduction in the retention of monies shall consist of a five (5%) percent reduction which is permissible under Section 9203 of the Public Contract Code, reducing the amount retained by the City from \$282,100.10 to \$141,050.05.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-121

A RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS TO INSTALL AUDIBLE PEDESTRIAN SIGNALS ALONG MCHENRY AVENUE AT SEVEN INTERSECTIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Cooperative Agreement between the City of Modesto and Caltrans to install audible pedestrian signals along McHenry Avenue at seven intersections be, and it is hereby approved.

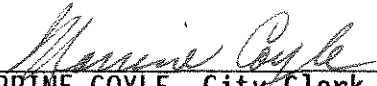
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 95-122

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATED AND APPROPRIATE ADDITIONAL FUNDING FOR AN EXISTING CIP PROJECT ENTITLED HANDICAP BARRIER REMOVAL-AUDIBLE PEDESTRIAN SIGNALS.

WHEREAS, in fiscal year 1993-94 the Community Development Block Grant (CDBG) provided funds to install Audible Pedestrian Signals (APS) at ten signalized intersections. Of these ten intersections seven are along McHenry Avenue which is under Caltrans jurisdiction.

WHEREAS, originally Caltrans did not participate, but now has funding applicable and available for this project and would like to reimburse the City.

WHEREAS, the Caltrans share of the project is \$12,000. These funds will now go back into the project so that more APS can be installed.

WHEREAS, the following adjustments are necessary:

		Airport Fund	
Fund/Agy/Org			Increase (Decrease)
Revenues			
070-510-9510-3138	State Share of Project		\$12,000
Expenditures			
070-430-D273-6040	Handicapped Barrier Removal-APS		\$12,000

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 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-123

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, on October 1, 1992, the City Council adopted recommendations for implementation of the Public Works and Transportation audit, 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 AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

- Senior Fire Equipment Mechanic
- Maintenance Mechanic - Pumps
- Maintenance Mechanic Crewleader - Pumps
- Equipment Mechanic
- Equipment Mechanic Crewleader
- Coach Mechanic
- Coach Mechanic Crewleader

The revised specifications for the classifications of Senior Fire Equipment Mechanic, as shown on the attached Exhibit "A", Maintenance Mechanic - Pumps, as shown on the attached Exhibit "B", Maintenance Mechanic Crewleader - Pumps, as shown on the attached Exhibit "C", Equipment Mechanic, as shown on the attached Exhibit "D", Equipment Mechanic Crewleader, as shown on the attached Exhibit "E", Coach Mechanic, as shown on the attached Exhibit "F", and Coach Mechanic Crewleader, as shown on the attached Exhibit "G", 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 CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Police Records Manager

Police Training and Records Technician

Fire Marshal

The new specifications for the classifications of Police Records Manager (Range 441), as shown on the attached Exhibit "H", Police Training and Records Technician (Range 419), as shown on the attached Exhibit "I", and Fire Marshal (Range 441), as shown on the attached Exhibit "J", 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 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

- Police Records Supervisor
- Equipment Maintenance Superintendent
- Assistant Equipment Maintenance Superintendent
- Community Development Program Manager
- Office Services Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after March 7, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SENIOR FIRE EQUIPMENT MECHANIC

DEFINITION

To perform the most difficult and complex maintenance and repair of fire suppression equipment including fire engines, water pumps and related equipment; and to provide technical assistance to other inspection staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Support Services Division Chief.

Exercises functional and technical supervision over fire equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Perform the most complex and difficult inspection, diagnostic and repair work on City fire suppression equipment.

Train, lead and assist journey level and semi-skilled mechanics; assist the Support Services Division Chief in the day-to-day supervision of activities.

Weld, fabricate and assemble parts and equipment for City fire suppression equipment; weld, braze, cut, shape and fasten metal parts; fabricate and weld hydraulic lines, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, metal brakes, metal shears, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, clutches, fire engine pumps and valves and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting carburetors.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Install, repair and replace two-way communication equipment.

Prepare and replace such components as generators, distributors, relays, lights and switches.

Diagnose and repair computerized control systems, ignition systems, power steering and cooling systems.

EXAMPLES OF DUTIES, Continued

Repair, adjust and replace brake systems including disc, hydraulic and air brakes.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time and material records.

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operating and repair characteristics of a wide variety of City fire suppression equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in routine welding and fabrication work.

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of gas and diesel powered equipment.

Safe work practices.

Ability to:

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repairs work.

Plan, lead and review the work of fire equipment maintenance staff.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Abilities, Continued:

Understand and follow oral and written directions.

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

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 responsible equipment maintenance and repair experience including practical experience in the maintenance of both diesel and gas powered equipment.

Training:

A high school diploma or equivalent (such as a GED Certificate) with additional specialized training in maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

MAINTENANCE MECHANIC - PUMPS

DEFINITION

To perform a variety of skilled and semiskilled tasks in the maintenance, repair and service of water, sewer and storm drain lift stations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Public Works Supervisor I and Maintenance Mechanic Crewleader - Pumps.

Exercises technical supervision over lower level maintenance staff.

EXAMPLES OF DUTIES - may include, but are not limited to, the following:

Inspect, maintain, troubleshoot, repair and service facilities, machinery and equipment including pumps, valves, motors, engines, compressors and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Provide input on design blueprints and recommend changes before finalization.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

Operate steam cleaner.

Fabricate parts and equipment including mounts, brackets and shields; operate welding and cutting equipment.

Perform preventive maintenance checks and servicing on equipment; develop maintenance schedules.

Inspect and calibrate gauges and meters; inspect and test air quality analyzers.

Spray pesticides, herbicides and insecticides as required.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Train maintenance staff in confined space entry procedures and lift station maintenance safety procedures.

Maintain inventory of supplies, parts and equipment used in pump station maintenance.

Respond to public concerns regarding water quality problems.

EXAMPLES OF DUTIES (Continued)

Collect state-mandated water and/or stormwater samples.

Perform plumbing, electrical, and carpentry duties as required.

Keep detailed maintenance records.

Perform related duties as assigned.

Additional duties when assigned to Water:

Operate portable sample pump.

Pack, lubricate, clean and paint pumping equipment and motors.

Flush distribution system to maintain water quality.

Initiate well and water distribution system disinfection procedures.

Install, maintain, and calibrate hypochlorinators.

Monitor and maintain Granular Activated Carbon (GAC) filters; assist in removal and replacement of carbon, backwashes as required.

Additional duties when assigned to Collections:

Maintain mechanical seals, lubricate, clean and paint pumping equipment and motors.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.

Safety procedures for confined space entry.

Basic plumbing and electrical principles.

Principles and practices of hydraulics related to pumps.

Practices and techniques of metal cutting and welding.
Preventive maintenance and inspection methods.

Appropriate safety practices and regulations.

Knowledge of (Continued)

Supervisory Control and Data Acquisition (SCADA) computerized pump control system.
Water and/or stormwater sampling methods.

Additional "Knowledge of" when assigned to Water Division:

Water disinfection procedures.

Safety procedures in handling chlorine.

Ability to:

Independently perform a variety of skilled and complex repair, maintenance, servicing, and cleaning tasks involving pumps, motors, and computerized and pneumatic controls.

Read and interpret blueprints.

Perform heavy manual labor, including but not limited to lifting up to 100 pounds, climbing, bending, and stooping.

Troubleshoot and diagnose malfunctions with pumping capacities, pneumatic controls, computerized controls and determine effective course of action for correcting them.

Work in confined work spaces.

Understand and carry out oral and written directions.

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

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 experience comparable to that of a Public Works Line Worker, a Meter Reader/Repair Worker, or a Wastewater Collection System Operator.

Training:

Equivalent to the completion of the twelfth grade supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate

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

When assigned to Collections:

Possession of a Grade I Mechanical Technologist Certification is desirable.

When assigned to Water:

Possession of an AWWA Water Distribution Operator Grade I Certification is desirable.

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade I, Water Treatment Plant Operator Certificate is desirable.

MAINTENANCE MECHANIC CREWLEADER - PUMPS

DEFINITION

To assist in supervising and to participate in the work of a crew involved in the maintenance, repair, and service of water, sewer, and storm drain lift stations; and to perform the most complex maintenance and inspection activities in the work group.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory and management staff. Exercises functional and technical supervision over assigned Maintenance Mechanics in Pumps.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Provide lead supervision, training and assistance to maintenance staff involved in the operation and maintenance of the City's storm and sewer lift stations, and pumping plants.

Train maintenance staff in confined space entry procedures for lift and/or pump stations and other confined spaces.

Assign work activities and assist in the coordination of water, sewer, and storm drain maintenance activities.

Monitor repair and service work; requisition supplies; maintain time, material, equipment use, and detailed maintenance records.

Inspect lift stations and pumping plants for needed work and overall cleanliness; coordinate and schedule major repairs to storm and sewer lift stations and/or water pumping plants.

Inspect, maintain, troubleshoot, repair, and service machinery and equipment, including pumps, valves, motors, engines, compressors, and computerized pneumatic and odor control systems.

Rebuild and overhaul pumps, pneumatic control systems, and ventilation blower units.

Provide input on design blueprints and recommend changes before finalization.

Operate steam cleaner and/or portable sample pump.

Operate and maintain a variety of equipment and tools in the performance of maintenance tasks.

EXAMPLES OF DUTIES (Continued)

Fabricate parts and equipment, including mounts, brackets, and shields; operate welding and cutting equipment.

Coordinate activities with other departments and divisions; recommend improvements to design, installation, and maintenance of lift stations.

Operate a Supervisory Control and Data Acquisition (SCADA) computerized pump control system.

Backflush plugged pumps as required.

Monitor and maintain Granular Activated Carbon (GAC) filters, assist in removal and replacement of carbon, backwashes as required.

Inspect and calibrate gauges and meters; inspect and test air quality and analyzers.

Perform plumbing duties, as required.

Perform related duties, as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, and tools employed in the repair and maintenance of pumps, motors, and related equipment.

Principles of supervision and training.

Principles and practices of hydraulics related to pumps.

Preventive maintenance and inspection methods.

Proper lock-out and tag-out procedures.

Safety and health hazards related to sewer, water, and/or storm collection systems.

Confined space entry procedures using atmospheric hazard test equipment and SCBA (self-contained breathing apparatus) gear required to comply with CAL-OSHA environmental standards.

Appropriate safety practices and regulations.

QUALIFICATIONS (Continued)

Ability to:

Lead, train, and supervise Maintenance Mechanics in Pumps; use and train others in safe work procedures.

Supervise and monitor the repair and maintenance of the City's lift stations and/or water pumping plants and related equipment.

Work independently in the absence of supervision, or lead a crew in a situation involving investigating and resolving sewer, water, and/or storm complaints; using good judgment and tact with irate citizens/customers.

Represent the City in situations where the public is frequently upset over sewer or water service interruptions or street flooding.

Independently perform a variety of complex repair, maintenance, servicing, and cleaning tasks involving pumps and motors.

Read and interpret blueprints.

Work in confined spaces and follow confined space entry/egress procedures.

Estimate necessary materials and supplies with a reasonable degree of accuracy; handle contaminated, infectious materials, and equipment.

Communicate effectively with those contacted in the course of work including government regulatory agencies.

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 experience comparable to that of a Maintenance Mechanic - Pumps.

Training:

Equivalent to the completion of the twelfth grade, supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate:

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

When assigned to Collections:

Possession of a Grade II Mechanical Technologist Certification, issued by the California Wastewater Pollution Control Association, is desirable.

When assigned to Water:

Possession of an AWWA Water Distribution Operator Grade II Certificate is desirable.

Possession of a Water Sampling Certificate is desirable.

Possession of a Grade II Water Treatment Plant Operator Certificate is desirable.

EQUIPMENT MECHANIC

DEFINITION

To make minor and major mechanical repairs to gasoline or diesel powered automotive, heavy construction and other power-driven equipment.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level equipment maintenance staff.

May exercise functional or technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Inspect, diagnose, and locate mechanical difficulties on City automobiles, trucks, and a variety of diesel and gasoline powered maintenance, and construction equipment.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, hydraulic systems and related parts and equipment.

Overhaul, repair, and adjust engines, transmissions, differentials, and clutches.

Tune up engines, replacing ignition parts and cleaning and adjusting carburetors and fuel injection systems.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Diagnose and repair computerized control systems, ignition systems, air conditioning systems, power steering and cooling systems.

Repair, adjust and replace brake systems including disc, hydraulic and air brakes.

Weld, fabricate and assemble parts and equipment for City automotive and heavy equipment.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time, and material records.

EXAMPLE OF DUTIES (Continued)

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time and material records.

Assist other mechanics in the performance of mechanical repairs as required.

Perform smog certification on City owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operating and repair characteristics of a wide variety of City owned light and heavy equipment.

Operations and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in routine welding and fabrication work.

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of gas and diesel powered equipment.

Safe work practices.

Ability to:

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

Assist in the training and supervision of less experienced personnel.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Ability to: (Continued)

Understand and operate a computerized Fleet Management System.

Understand and follow oral and written directions.

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

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 automotive and equipment repair and maintenance experience.

Training:

Equivalent to completion of twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least three (3) areas within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.

EQUIPMENT MECHANIC CREWLEADER

DEFINITION

To lead skilled and semi-skilled mechanics in the most difficult and complex vehicle and equipment maintenance and repair work; and to personally make the most complex mechanical repairs to automotive, diesel, public safety and other power driven equipment.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level equipment maintenance staff.

Exercises functional and technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Lead, train and assist journey level and semi-skilled mechanics; assign work to mechanics; assist the Equipment Maintenance Supervisor in the day-to-day supervision activities.

Inspect, diagnose, and locate mechanical difficulties on City automobiles, trucks, and a variety of diesel and gasoline powered maintenance and heavy construction equipment.

Weld, fabricate and assemble parts and equipment for City automotive and heavy equipment; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and large assortment of other power and hand tools and measurement instruments required for journey level fabrications work.

Overhaul, repair, and adjust engines, transmissions, differentials, clutches, fire engine pumps and valves and heavy construction equipment hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting carburetors and fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Repair or replace such components as generators, alternators, distributors, relays, lights and switches,

EXAMPLES OF DUTIES (Continued)

computerized control systems, ignition systems, air conditioning systems, power steering and cooling systems.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time and material records.

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of gas and diesel powered equipment.

Operation and care of internal combustion engines, fire suppression pumping systems, hydraulic equipment.

Methods, materials equipment and tools used in welding and fabrications work.

Operating and repair characteristics of a wide variety of City owned equipment.

Safe work practices.

Principles of personnel supervision and training.

Ability to:

Lead and train skilled and semi-skilled mechanics.

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Understand and carry out oral and written directions.

Understand and operate a computerized Fleet Management System.

Ability to: (Continued)

Perform journey level equipment mechanical work including the trouble-shooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

Experience and Training Guidelines

Any combination of experience and training what 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 increasingly responsible experience performing automotive and equipment maintenance and repair duties comparable to those of an Equipment Mechanic.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspections Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least five (5) areas within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.

COACH MECHANIC

DEFINITION

To maintain and make minor and major repairs to the City's transit coaches and other gas and diesel powered vehicles.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Inspect, diagnose, and locate mechanical difficulties on City transit coaches, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit coaches; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, clutches, or oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts, coin collection equipment.

Make roadside repairs as required.

Maintain work, time, and material records.

EXAMPLES OF DUTIES (Continued)

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit coaches and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit coaches.

Safe work practices.

Ability to:

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

QUALIFICATIONS (continued)

Ability to:

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

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 automotive and equipment maintenance and repair duties.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least three (3) areas in heavy duty class within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.

COACH MECHANIC CREWLEADER

DEFINITION

To lead coach mechanics in the maintenance and repair of the City's transit coaches and other gas and diesel powered vehicles; and to personally make the most complex mechanical repairs.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level Equipment Maintenance staff.

Exercises functional and technical supervision over lower level equipment maintenance staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Lead, train and assist journey level and semi-skilled mechanics; assign work to mechanics; assist the Equipment Maintenance Supervisor in the day-to-day supervision activities.

Inspect, diagnose, and locate mechanical difficulties on City transit coaches, and a variety of other diesel and gasoline powered equipment as required.

Weld, fabricate and assemble parts and equipment for City transit coaches; weld, braze, cut shape and fasten metal parts; fabricate and weld, vehicle frames, chassis, and exhaust systems.

Use welding equipment, drill presses, lathes, grinders and a large assortment of other power and hand tools and measurement instruments required for journey level fabrication work.

Overhaul, repair, and adjust engines, transmissions, differentials, valves and air and hydraulic systems.

Tune up engines, replacing electrical and electronic parts and cleaning and adjusting fuel injection systems.

Replace or repair faulty parts including wheel bearings, oil seals, shock absorbers, exhaust systems, steering mechanisms, and related parts and equipment.

EXAMPLES OF DUTIES (continued)

Diagnose and repair such components as generators, alternators, distributors, relays, lights and switches.

Maintain and repair air conditioning and climate systems.

Diagnose and repair wheel chair lifts, coin collection equipment.

Make roadside repairs as required.

Assist in the purchasing of equipment maintenance parts and materials.

Maintain work, time, and material records.

Perform smog certification on City-owned vehicles.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, equipment, and procedures used in the overhaul, repair, and adjustment of transit coaches and other gas and diesel powered equipment.

Operation and care of internal combustion engines and hydraulic equipment.

Methods, materials, equipment and tools used in welding and fabrication work.

Operating and repair characteristics of City transit coaches.

Safe work practices.

Principles of personnel supervision and training.

Ability to:

Lead and train skilled and semi-skilled mechanics.

Perform skilled welding and fabrication work.

Perform minor and major mechanical work on mechanical equipment.

QUALIFICATIONS (continued)

Ability to: (continued)

Use a variety of tools and equipment with skill.

Maintain a variety of shop and repair records.

Understand and operate a computerized Fleet Management System.

Understand and carry out oral and written directions.

Perform journey level equipment mechanical work including the troubleshooting of equipment for both major and minor repair work.

Work independently in the absence of supervision.

Accurately determine mechanical repair needs and estimate the cost and time of repairs.

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

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 increasingly responsible experience performing automotive and equipment maintenance and repair duties comparable to those of a Coach Mechanic.

Training:

Equivalent to completion of the twelfth grade and specialized training in the maintenance and repair of gas and diesel powered equipment.

License or Certificate

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

Possession of, or ability to obtain, an appropriate, valid Vehicle Inspection Pollution Controls license.

ASE Certification (National Institute for Automotive Service Excellence) in at least four (4) areas in heavy duty class within one year of appointment.

Special Requirements

Possession of a complete set of mechanic hand tools through 1-1/2" and tool box.

POLICE RECORDS MANAGER

DEFINITION

Under direction to organize, supervise and manage all aspects of the Records Division of the Bureau of Support including criminal records; data entry; evidence and property; identification; warrants functions; and requisitioning.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from Bureau of Support Commander. Provides supervision to clerical, technical and paraprofessional staff.

DISTINGUISHING CHARACTERISTICS

Non-sworn position which may be required to work shifts, weekends, and/or holidays.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Establish record-keeping systems in accordance with legal requirements, departmental policies and accepted standards.

Determine equipment needs, direct and recommend the purchase of material and new and replacement equipment, and provide for contractual services.

Conduct surveys, perform research and analyses and prepare written and oral reports related to fiscal, personnel and operational problems involved with the division.

Execute the administration of all business and administrative functions related to police records, including evidence, property and identification.

Select, supervise, and evaluate division employees.

Direct the development, implementation and coordination of training programs and standards for division personnel to learn and to maintain technical competency.

Provide functional supervision of building maintenance personnel.

Analyze division operations and recommend/implement efficiency or cost saving measures and improvements.

Supervise the preparation of statistical reports.

EXAMPLES OF DUTIES (Continued)

Prepare division budget.

Respond to difficult citizen inquiries and complaints.

Supervise crime scene evidence technicians and crime lab operations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and local laws and ordinances governing records management and complex legal procedures.

Organizational procedures, office standards, practices and systems, including processing, storage, release, and destruction of government records, property and evidence.

Principles and practices of public administration, budgeting, analytical procedures, and procurement methods including the preparation of equipment specifications.

Basic math for statistical purposes.

Maintenance and upkeep of government facilities.

Principles and practices of supervision, training and personnel management.

Ability to:

Perform administrative work involved in the management of police records, evidence, property, and identification functions, including budget preparation; evaluation of personnel and equipment needs; report preparation and maintenance; policy preparation and interpretation; and receiving, maintenance and disposition of evidence.

Meet and deal tactfully, and establish and maintain cooperative working relationships with the public, news media, other governmental agencies, management and line staff.

Plan, organize, coordinate and supervise the work of division employees.

Ability to (Continued)

Operate a personal computer.

Communicate effectively, both orally and in writing.

Make sound decisions in a manner consistent with job duties and departmental or City policies.

Read, understand and interpret applicable 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: Five years of documentary records processing experience in a governmental agency, including at least two years of supervisory and administrative experience.

Training: Equivalent to a Bachelor's Degree from an accredited college or university, preferably with major course work in public or business administration, or criminal justice.

POLICE TRAINING AND RECORDS TECHNICIAN

DEFINITION

To perform technical and support functions related to maintenance and management of personnel and training files for sworn and paraprofessional employees in the Police Department.

SUPERVISION RECEIVED

Receives general supervision from sworn personnel assigned to the Training unit.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Assist in the scheduling, monitoring, reporting and cost-recovery aspects of departmental training.

Compile and Maintain record of state/local mandated training requirements and cross reference with individual training received by sworn and paraprofessional employees.

Maintain confidential department-level administrative files.

Act as Custodian of Records for department-level, post-regulated documents under Section 1031 et. seq. of the California Government Code.

Process confidential employee documents including performance evaluations and disciplinary actions.

Monitor and participate in developing training division budget and curriculum.

Compile, research and analyze data relating to the division; prepare correspondence and statistical and narrative reports.

Provide technical computer assistance to other departmental personnel.

Maintain calendars and schedules of activities, training, and various events; coordinate activities with other City departments, the public and outside agencies.

Perform general clerical and filing work.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Federal and State laws pertaining to the release of police records.

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Word processing and other applicable software applications.

Operations and functions of a local law enforcement agency.

Basic report writing preparation and business letter writing.

Ability to:

Understand and carry out oral and written instructions.

Interpret and apply policies and procedures.

Work with and control sensitive, confidential information.

Plan, initiate and complete work assignments with minimal direction.

Maintain routine positive working relationships with various local government and law enforcement agencies; and with other City employees and departments.

Use word processor and/or personal computer including IBM compatible and MacIntosh.

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 and Training Guidelines (Continued)

Experience: Three years of increasingly responsible law enforcement records experience.

Training: High School diploma, GED certificate, or equivalent. An Associate of Arts Degree is desirable.

FIRE MARSHAL

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.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

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 systems.

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.

Provide for public education in fire prevention for schools, community groups and other organizations or institutions.

Issue warnings and citations for fire code violations; issues burn permits.

Select, supervise and evaluate Bureau employees.

Supervise the preparation of statistical reports.

EXAMPLES OF DUTIES (Continued)

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.

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.

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 including at least two years of supervisory and administrative experience.

Training: Equivalent to a Bachelors 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.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-124

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 94-410 TO AMEND THE CLASS
RANGE TABLE TO ESTABLISH A SALARY RANGE FOR
POLICE RECORDS MANAGER, POLICE TRAINING AND
RECORDS TECHNICIAN, AND FIRE MARSHAL.

WHEREAS, Exhibit "A" of Resolution No. 94-410 has been
previously amended by Resolution Nos. 94-492, 94-541, 94-719, and
95-25, and

WHEREAS, the City Council desires to further amend
Exhibit "A" of Resolution No. 94-410,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 94-410.

Exhibit "A" entitled "City of Modesto Class Range Table
Management And Confidential Non-Sworn Classes Effective June 28,
1994" attached to Resolution No. 94-410, 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 7, 1995", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" adopts class specifications for Police Records
Manager and Fire Marshal (Range 441), and Police Training and
Records Technician (Range 419), and abolishes class
specifications for Police Records Supervisor (Range 425),
Equipment Maintenance Superintendent (Range 438), Assistant

Equipment Maintenance Superintendent (Range 434), Community Development Program Manager (Range 441), and Office Services Supervisor (Range 422).

SECTION 2. EFFECTIVE DATE.

This resolution shall become effective on and after March 7, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM: ' 1

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective March 7, 1995

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor
421	

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Business Development Officer Parks Planning and Development Manager Communications and Marketing Manager
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

- 441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Maintenance Supt.
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal
- 442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis
- 443 Deputy Chief Bldg. Official
- 444 General Services Manager
Water Quality Control Supt.
Principal Planner
- 445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager
- 446 Senior Civil Engineer
Traffic Engineer
- 447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager
- 448 Sr. Deputy City Attorney II
- 449

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-125

A RESOLUTION GRANTING AN EXEMPTION TO TRI-
VALLEY GROWERS FOR STREETS CAPITAL FACILITIES
FEES, SUBJECT TO VERIFICATION OF TRI-VALLEY
GROWERS' TRAFFIC ASSUMPTIONS.

WHEREAS, a letter dated January 31, 1995, from Doug
Stidham, Deputy Director, Building Inspection Division,
Stanislaus County, was received by Daryl Willey, Chief Building
Official of the City of Modesto, relating to a request for
consideration of an exemption from Streets Capital Facilities
Fees (CFF) for a proposed 285,300 square foot Warehouse at Tri-
Valley Growers Plant 1, located at 555 Mariposa Road, in the
Beard Industrial Tract, and

WHEREAS, the City and County have entered into an
agreement which pertains to the payment of County Public
Facilities Fees (PFF) and City Capital Facilities Fees (CFF), and

WHEREAS, prior to the issuance of a City building
permit, the City building inspector must verify that the entire
County PFF have been, and

WHEREAS, prior to the issuance of a County building
permit on any project in the unincorporated area and within the
City of Modesto's Sphere of Influence, the County building
inspector must verify that the City Streets CFF have been paid,
and

WHEREAS, Tri-Valley has presented data to indicate that
construction of its new warehouse would actually reduce traffic,

and on that basis, the County has exempted Tri-Valley from paying the County's traffic fees, and

WHEREAS, said letter from Doug Stidham was referred to the City's Capital Facilities Fees Task Force for review and consideration, which resulted in the City's CFF Task Force recommending to the City Council that the City of Modesto should follow the County's interpretation in relation to an exemption from Streets CFF for a proposed 285,300 square foot Warehouse at Tri-Valley Growers Plant 1, located at 555 Mariposa Road, in the Beard Industrial Tract, subject to verification of an independent third party of the traffic reduction calculations, and Tri-Valley has agreed to pay for such verification,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby grants an exemption to Tri-Valley Growers from Streets CFF for a proposed 285,300 square foot Warehouse at Tri-Valley Growers Plant 1, located at 555 Mariposa Road, in the Beard Industrial Tract, subject to verification of an independent third party of the traffic reduction calculations, and Tri-Valley has agreed to pay for such verification.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-126

A RESOLUTION APPROVING A SETTLEMENT AND ASSET PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE DEL ESTE WATER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Settlement and Asset Purchase Agreement between the City of Modesto and the Del Este Water Company 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 March, 1995, by Councilmember Muratore ,who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95- 127

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE ACQUISITION OF THE DEL ESTE WATER COMPANY.

WHEREAS, on March 17, 1993, the City's Environmental Assessment Committee (EAC) conducted two initial studies to determine if the purchase of all or a portion of the assets of the Del Este Water Company might have a significant effect on the environment, and

WHEREAS, the two alternatives considered by the EAC were:

(a) Acquisition of that portion of the Del Este Water Company located within the City of Modesto and the City's Sphere of Influence and the construction of certain improvements to the existing Del Este system within the City's sphere (hereinafter referred to as Project Alternative A), and

(b) Acquisition of the Del Este Water Company in its entirety, and the construction of certain existing system improvements within the Sphere of Influence of the City of Modesto (hereinafter referred to as Project Alternative B), and

WHEREAS, the EAC recommended that draft negative declarations be prepared for both Project Alternative A and Project Alternative B, and

WHEREAS, the public review period for the draft negative declarations was March 26, 1993, through May 28, 1993, and

WHEREAS, during the public review period, the City received six comments on the draft negative declarations, and

WHEREAS, on June 9, 1993, the EAC met to consider and respond to such comments and as a result incorporated three matters recommended by Fire Marshal DeCavit into each project alternative, and

WHEREAS, on June 9, 1993, the EAC identified no long-term environmental impacts with either project alternative, and

WHEREAS, City staff thereafter recommended that the Modesto City Council proceed with Project Alternative A and proposed that on June 22, 1993, the Modesto City Council adopt a resolution determining that the public interest and necessity require the acquisition of a portion of the Del Este Water Company and directing the filing of eminent domain proceedings for the purpose,

WHEREAS, the City thereafter on July 20, 1993, filed a complaint in eminent domain in Stanislaus County Superior Court, Action No. 296508, seeking to condemn a portion of the Del Este Water Company, and on July 21, Del Este Water Company filed a petition for writ of mandate alleging that the City failed to comply with the requirements of the California Environmental Quality Act in Stanislaus County Superior Court, Action No.

296579, and

WHEREAS, the City and Del Este Water Company have negotiated a settlement of the litigation described above whereby the City will acquire the Del Este Water Company in its entirety pursuant to the terms and conditions of a Settlement and Asset Purchase Agreement, and City staff therefore now recommends that the City Council approve the negative declaration for Project Alternative B and authorize the execution of the agreement,

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

SECTION 1. The City Council has reviewed and considered the negative declaration for Project Alternative B proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of the information contained in the proposed negative declaration and the staff report attached hereto as Exhibits "A" and "B", respectively, that there is no substantial evidence that Project Alternative B will have a significant effect on the environment and hereby approves the proposed negative declaration for Project Alternative B. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as

required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)
APPROVED AS TO FORM:

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

CITY OF MODESTO

93-30

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL ASSESSMENT COMMITTEE
INITIAL STUDY AND FINDINGS

I. BACKGROUND

1. Name of Proponent: City of Modesto
2. Address and Phone Number of Proponent: Alice Tulloch, Deputy Public Works Director, 1221 Sutter Avenue, Modesto, CA 95351 (209) 577-5470
3. Type of Project: Acquisition of the Del Este Water Company in its entirety and the construction of certain existing system improvements within the sphere of influence of the City of Modesto.
4. Location: Entire Del Este Water Company Service area. Improvements are planned for only that portion of the system within the City of Modesto and its sphere of influence.
5. Description of Proposed Project: The project is described as acquisition of the Del Este Water Company in its entirety, and the construction of certain existing system improvements within the City of Modesto and the sphere of influence. The improvements anticipated are needed to correct fire system deficiencies with respect to city standards. A minor number of pipelines must be replaced to provide fire flows in accordance with city standards. A moderate number of obsolete fire hydrants must be replaced, and some additional fire hydrants must be provided to meet city spacing standards.

The project does not anticipate improvements in the outlying fully self-contained DEW systems. The project does not anticipate expansion of the existing Del Este system or its service territory.

6. Discretionary Permit(s) Requested: None

II. ENVIRONMENTAL IMPACTS AND DISCUSSION WITH REQUIRED MITIGATION MEASURES AND MONITORING ACTIVITIES

A. EARTH Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Unstable earth conditions or in changes in geologic substructures?	___	___	<u>X</u>
2. Disruptions, displacements, compaction or overcovering of soil?	___	___	<u>X</u>
3. Change in topography or ground surface?	___	___	<u>X</u>

Exhibit "A"

Insert Figure 1

- | | | | |
|---|---|---|----------|
| 4. The destruction, covering or modification of any unique geologic or physical features? | — | — | <u>X</u> |
| 5. Any increase in wind or water erosion of soils, either on or off the site? | — | — | <u>X</u> |
| 6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mud slides, or ground failure? | — | — | <u>X</u> |

DISCUSSION: The proposed project would not cause significant environmental impacts as the shallow depth of excavations could not cause substantial alteration of the earth's surface. While limited shallow excavation may be necessary to upgrade any DEWC substandard infrastructure, trenching activity will take place under roadways and will be resurfaced within 48 hours. Such temporary construction effects within an urban or suburban area will not cause substantial disruptions, displacements, compaction or overcovering of soil, or contribute to erosion or geologic hazards.

The proposed water system improvements will require approximately three feet deep by two feet wide excavations to replace water mains and necessary service connections. Asphalt breaking and/or concrete cutting and trenching will be completed within the existing roadway right-of-way. The installation of water lines and necessary replacement of service connections will be targeted to only those lines requiring upgrade or repair. These trenches would be installed under existing paved or gravel roads. Excavated soils would be back-filled and compacted, and trenching areas repaved. The limited shallow excavations would take place within already disturbed soils.

Trenching may temporarily expose soils to erosion caused by rain or by broken water lines. As the process of trenching generally exposes excavated soils to the elements for one to two days, rain erosion potential is considered very low. Also, broken water lines are generally repaired or shut down by the city within several hours of detection, limiting soil erosion potential. The proposed project would not have a significant effect on the environment relating to soil erosion because soils will not be exposed for long periods of time to any potential erosion factors.

The City of Modesto Public Works Department's standard operating procedure avoids erosion and siltation of rivers and streams by two methods. Standing water encountered during trenching or repair may be pumped into the city's sanitary sewer system rather than storm drains. Or, standing water is allowed to seep into the ground over a period of hours or a day. By implementing these procedures, silty or muddy trench waters would not flow to surface waters through storm drains. Therefore, the proposed project would have no significant impacts relating to modification of rivers or streams.

The proposed project would not expose people to any significant geologic hazards because no major faults run through the City of Modesto. Minor disruptions of soil during trenching would not cause a risk of seismic failure, landslides, or mudslides. A broken water main, if left unrepaired for long periods of time, would have the potential to cause ground failure such as a sink hole. However, as any broken water main on the newly acquired DEWC system would be repaired or shut down by the city within several hours, ground failure is not expected to be a significant environmental impact.

B. AIR Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Substantial air emission or deterioration of ambient air quality?	—	—	<u>X</u>
2. The creation of objectionable odors?	—	—	<u>X</u>
3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>

DISCUSSION: No significant impact to air quality in the City of Modesto will occur because procedures will be followed to control dust particulates (known as PM₁₀ for the purpose of the San Joaquin Valley Unified Air Pollution Control District). The project will require excavation of soil, which will result in the emission of ten micron particulate matter (PM₁₀), a non-attainment pollutant in the San Joaquin Valley Unified Air Pollution Control District. Excavation related PM₁₀ emissions associated with the project would be temporary and localized. The operation of construction equipment would also contribute a negligible and temporary increment to the burden of criteria pollutants (ozone precursors and carbon monoxide) within the air basin. All construction equipment will meet California State emissions control standards as required by state law.

No mitigation measures are necessary because the following procedures have been incorporated into the current ordinances for the City of Modesto.

Watering. Areas of soil redistribution shall be watered down as necessary to trap fugitive dust and particulate during construction.

Wind. During periods of excessive wind speeds construction shall be temporarily suspended.

Covering. Disturbed areas shall be paved as soon as possible to reduce dust during construction activities. No excavation site shall be left uncovered for an extended period. Where an excavation site must remain uncovered over longer period rigorous monitoring shall be provided to maintain watering activities as needed to control PM₁₀ emissions.

Conditions for Contractors. Each contractor shall be presented with a fugitive dust reduction plan at the time of hiring. Application of the above procedures shall be monitored by the City of Modesto Department of Public Works during daily site inspection of contractor activities.

The proposed project will not present a substantial source of odor because no waste water pipelines or any other potential source of odors will be disturbed. Diesel equipment can be a source of odors; however, such odors are not uncommon in urban and suburban areas. Equipment will be properly fitted with emissions control as required by State Law, and operation will be temporary and generally occur between the hours of 7:00 A.M. and 3:30 P.M.

The proposed project would not create thermal emissions of a magnitude sufficient to alter local or regional air movement, moisture content, temperature, or any climatological change.

C. WATER Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Changes in currents, or the course of direction of fresh water movements?	---	---	<u>X</u>
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	---	---	<u>X</u>
3. Alterations to the course of flow of flood waters?	---	---	<u>X</u>
4. Change in the amount of surface water in any water body?	---	---	<u>X</u>
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	---	---	<u>X</u>
6. Alteration of the direction or rate of flow of ground waters?	---	---	<u>X</u>
7. Change in the quantity of ground waters, either through direct additions or withdrawals; or through interception of an aquifer by cuts or excavations?	---	---	<u>X</u>
8. Substantial reduction in the amount of public water supply?	---	---	<u>X</u>
9. Exposure of people or property to water related hazards such as flooding?	---	---	<u>X</u>

DISCUSSION: No significant environmental impacts relating to surface waters are anticipated because existing surface waters and ground water would not be substantially altered by the proposed project. Absorption rates, drainage patterns or surface runoff would not be affected because no additional impermeable surfaces would be created and construction will not permanently alter existing drainage patterns.

The proposed project would involve limited trenching for water main replacement, installation of fire hydrants and other necessary improvements to bring the DEWC facilities up to City of Modesto standards. No floodway would be disturbed and no river or creek drainage ways will be altered. The City of Modesto and areas served by the DEWC are not located in coastal areas subject to tidal wave damage.

The proposed project would also bring the existing DEWC systems into public domain, thereby linking the system with other public water systems and increasing the quality of water service (especially in relation to fire flows) available to the public. This can be considered a beneficial environmental impact.

No new well installation sites are proposed with this project. Existing wells and pumping rates of both the DEWC and the City of Modesto contribute to overdraft of groundwater supplies, as do most groundwater wells in the Central Valley. Therefore, as a result of the proposed project, ground water flow would not be altered.

D. PLANT LIFE Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	—	—	<u>X</u>
2. Reduction of the number of any unique, rare or endangered species of plants?	—	—	<u>X</u>
3. Introduction of new species of plants into an area, or result in a barrier to the normal replenishment of existing species?	—	—	<u>X</u>
4. Reduction in acreage of any agricultural crop?	—	—	<u>X</u>

DISCUSSION: There would not be a significant effect on the diversity of species, or number of any species of plants from the proposed project. The proposed improvements to the DEWC system will be constructed under roadways and in the roadway right-of-way; these locations are within urban and suburban areas and do not provide habitat for rare or endangered plant species.

According to the Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November, 1974), there are no known occurrences of rare, threatened or endangered plant species within the DEWC service area. The DEWC service areas are established communities and construction work will be limited to existing roadways and above ground facilities.

E. ANIMAL LIFE Will the proposal result in:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	—	—	<u>X</u>
2. Reduction of the numbers of any unique, rare or endangered species of animals?	—	—	<u>X</u>
3. Introduction of new species of animals into the area, or result in a barrier to the migration or movement of animals?	—	—	<u>X</u>
4. Deterioration to existing fish or wildlife habitat?	—	—	<u>X</u>

DISCUSSION: There would not be a significant change in diversity of species, or number of any species of animals from the proposed project. The acquisition of the DEWC would not have any tangible effect on existing habitat for animal life. Construction activities will be limited to already urbanized or disturbed areas and will not affect native vegetation, wildlife habitat, or obstruct wildlife corridors.

According to the Department of Fish and Game Natural Diversity Data Base for the City of Modesto U.S. Geologic Survey Quadrangles: Salida, Brush Lake, Riverbank, and Ceres (1992) and the Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November 1974) for the entire county, there are no known occurrences of rare, threatened or endangered animal species within the DEWC service area. In addition, the proposed project has no relation to the introduction of new animal species.

F. NOISE Will the proposal result in significant:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Increases in existing noise levels?	—	<u>X</u>	—
2. Exposure of people to severe noise levels?	—	<u>X</u>	—
3. Will the project require noise abatement measures?	—	<u>X</u>	—
4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?	—	<u>X</u>	—

DISCUSSION: No significant impacts related to noise emissions will result from the proposed project. Noise impacts are anticipated to be of short duration.

Some temporary high noise level impacts will be generated as a result of construction operations. Excavation for water line improvements will require the use of heavy equipment including backhoes, cement saws, jack hammers, heavy trucks, and miscellaneous machinery such as pumps and generators. Backhoes and jackhammers have a sound emission level of approximately 75 dBA, at a distance of 50 feet. The cement saws have a sound level emission level of 80 dBA at a distance of 50 feet (Harris C.M. Editor Handbook of Noise Control, Second Edition, 1979).

Sound measurements taken by CERTIFIED/Earth Metrics at various locations in the City of Modesto indicate sound levels along arterial roadways are typically 70 dBA (sound level measurements were conducted in 1992-93 for the General Plan Update). This measurement applies at a distance of 50 feet from the centerline of the roadway, and is a daytime equivalent energy level (Leq). Leq is the level of a steady noise which has the same sound energy as a given time-varying noise. Secondary roadways, or residential locations, have a sound level of 60 dBA or less for a daytime equivalent level.

Construction noise levels will be approximately 5 to 10 dBA higher than ambient noise levels in the city and will be readily noticeable. Noise effects are temporary at any given location and are not expected to occur in a single location for more than two consecutive days. The following City Code requirements will reduce temporary noise effects to less-than-significant levels:

No mitigation measures are necessary because the following procedures have been incorporated into the current ordinances of affected public agencies.

Muffling of Equipment. All construction vehicles and equipment shall be muffled in accordance with State and Federal regulations. California Noise Standards for Delivery Motor Vehicles shall be met.

Construction Hours. Construction operations shall be limited to those hours less likely to disturb city residents. In addition, evening and weekend work may be approved by the City of Modesto Department of Public Works in order to avoid disturbing school sites or other sensitive receptor sites. The Public Works Department shall monitor work start and stop times through contract specifications and periodic field checks.

Public Noise. As is consistent with regular City of Modesto Public Works Department procedures, neighboring homeowners, businesses, and institutions shall be notified of work times at least 48 hours in advance of scheduled construction activity. The Public Works Department shall ensure that such notice is effected. Public notice requirements may not be feasible in case of emergency such as repairing broken water mains.

G. LIGHT AND GLARE	Would on or off-site residents be subject to light or glare that would disturb those residents?	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
		---	---	<u>X</u>

DISCUSSION: No significant impacts will result from additional light or nuisance glare as a result of the proposed project. The project does not include substantial alteration to above ground facilities and equipment.

H. LAND USE	Will the proposal result in a substantive alternation of the present or planned land use of an area?	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
		---	---	<u>X</u>

DISCUSSION: Land use designations in communities are largely determined by local land use controls and socio-economic conditions. All proposed modifications to the existing water system are located within the City of Modesto sphere of influence and are designed to improve the existing system to Department of Health Services Standards and City of Modesto fire flow standards. These improvements do not include the extension of services to areas outside of the existing service area, nor do they include oversizing mainlines to provide future extension to unserved areas.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resources? YES MAYBE NO
_____ X

DISCUSSION: Natural resources include ground water, minerals, timber and other biotic materials. The Del Este System provides ground water to users and thus has a potential to affect ground water supplies. However, no significant effects will result to ground water or other natural resources as the proposed project is limited to acquisition of the existing water facility. There is no proposal to expand the service area or increase the consumption of existing water users. No new well installations are anticipated at this time. The City of Modesto is planning to make improvements to contaminated wells and the use of surface water to avoid the need for additional wells.

J. RISK OF UPSET will the proposal involve: YES MAYBE NO

1. A risk of an explosion or the release of hazardous substances (including but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? _____ X _____

2. Possible interference with an emergency response plan or an emergency evacuation plan? _____ _____ X

DISCUSSION: The proposed project would not cause significant environmental impacts relating to emergency response plans or evacuation plans. Standard operating procedures adhered to by the City of Modesto Public Works Department will avoid potential effects to emergency access routes. In addition, mitigation and monitoring measures discussed here shall be adopted to avoid the exposure of workers to hazardous materials.

Any infrastructure improvement work that could result in substantial traffic congestion or limit access to key facilities (i.e. police stations, fire stations, and hospitals) presents the potential to interfere with emergency response plans or emergency evacuation plans in the event of a catastrophic incident. The City of Modesto Public Works Department standard operating procedures require that adequate emergency access be maintained for all public works projects as per the current CALTRANS Manual of Traffic Control. Therefore, impacts to emergency response routes are expected to be minimal as a result of project implementation.

Trenching necessitated by the proposed project would potentially involve the excavation of soils contaminated from hazardous material release incidents or excavation of contaminated road fill. Exposure of trenching and pipe-laying

workers to hazardous materials can be considered a potentially significant environmental impact.

No mitigation measures are necessary because the following procedures are considered standard operating procedures of affected public agencies.

Regulatory List Search. Prior to trenching and pipe-laying adjacent to commercial and industrial land uses or in areas of known soil contamination, a limited regulatory list search shall be performed under the supervision of the City of Modesto Public Works Department. The list search shall include a search for hazardous material release incidents within 1/4 mile of proposed trenching areas. The following regulatory lists shall be consulted: U.S. EPA National Priorities List (SUPERFUND); Comprehensive Environmental Response, Compensation and Liability Information System list (CERCLIS).

Incident List Search. Leaking Underground Storage Tank Incident Reports (LUST); Emergency Response Notification System list; Hazardous Materials Incident Report System list; Toxic Release Inventory System list; California EPA CALSITES list; and California Hazardous Material Incident Report System list.

Construction Period Procedures. If hazardous material release incident sites are identified within 1/4 mile of proposed trenching locations, then the City of Modesto Public Works Department shall supervise the review of available files to determine the likelihood of soil contamination being present in proposed trenching locations. If there is a reasonable likelihood that soil contamination may be present in a proposed trenching location, then a soil sampling and laboratory testing program shall be performed in proposed excavation areas. If laboratory testing of soil samples indicate that soil contamination is present in excavation locations, then the City of Modesto Public Works Department shall ensure that appropriate precautions to protect workers and the general public are implemented. The City of Modesto Public Works Department shall monitor all appropriate list searches, literature searches, and soil testing prior to initiation excavation.

K. POPULATION Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
	---	---	<u>X</u>

DISCUSSION: No significant change in population or housing will result from the acquisition of the DEWC. The DEWC serves the established communities of Modesto, Grayson, Salida, Hillcrest, Waterford, Hickman, Turlock, del Rio, and Ceres. The proposed project seeks acquisition of the entire Del Este Water System but only that portion of the DEWC within the City of Modesto and the City's sphere of influence would be subject to improvements to meet City standards..

Population growth in communities is largely determined by local land use controls and socio-economic conditions. All proposed modifications to the existing water system are located within the City of Modesto sphere of influence and are designed to improve the existing system to Department of Health Services

Standards and City of Modesto fire flow standards. These improvements do not include the extension of services to areas outside of the existing service area, nor do they include oversizing mainlines to provide future extension to unserved areas.

L. HOUSING Will the proposal affect existing housing or create a demand for additional housing?	YES	MAYBE	NO
	—	—	X

DISCUSSION: There will be no significant effects to existing housing or the demand for housing. As discussed under POPULATION, the proposed acquisition of the DEWC is for the purpose of continuing service to existing service areas. The acquisition would implement the Engineering improvements for the City of Modesto and its sphere of influence only as described by Boyle Engineering in Volume 1 of the Water System Evaluation, 1991, as updated (1993).

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	YES	MAYBE	NO
1. Generation of substantial additional vehicular movement?	—	—	X
2. Effects on existing parking facilities, or demand for new parking?	—	—	X
3. Substantial impact upon existing transportation systems?	—	—	X
4. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	X
5. Alterations to rail or air traffic?	—	—	X
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	—	X	—

DISCUSSION: The proposed project would not cause significant long-term adverse impacts to the city's transportation system. During construction activities there will be temporary alteration of traffic patterns; however, signage and other warning signals will alert traffic to avoid the area if possible. Traffic forced to travel through the construction area may be slowed for a block or two as the construction area is negotiated. These temporary impediments to traffic are not considered to be significant.

Acquisition of the DEWC will not increase commute traffic from additional employees or generate substantial new vehicle trips in any neighborhood for any length of time. Additional traffic trips will be related to construction traffic. The location and time of construction traffic will depend on the need

to replace water lines or perform other work on existing DEWC facilities. Construction traffic will be temporary and work related trips generally take place prior to 7:00 A.M. and after 3:30 P.M. but before 4:30 P.M. This traffic pattern avoids conflicts with evening peak hour traffic patterns between 4:30 and 6:30 P.M.

No new parking facilities will be required as no permanent structures or housing for new employees is contemplated. Existing street parking may be temporarily disrupted during construction periods; however, these parking obstruction are expected to last less than 24 hours in driveways or access points. Access to existing parking structures is not expected to be blocked during construction. The Public Works Department seeks to maintain access to existing parking areas throughout the construction period.

Disruptions of traffic flow are considered minimal and temporary. Traffic circulation will be temporarily disrupted during the replacement or modification of water lines under roadways. The City of Modesto Public Works Department follows the CALTRANS Manual of Traffic Control during construction activities along or in roadways. Safety procedures include signage, barricades, cones, and a flag person if necessary. These procedures are considered routine for any roadwork to be completed in the city.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Fire protection?	—	—	<u>X</u>
2. Police protection?	—	—	<u>X</u>
3. Schools?	—	—	<u>X</u>
4. Parks or other recreational facilities?	—	—	<u>X</u>
5. Maintenance of public facilities, including roads?	—	<u>X</u>	—
6. Other governmental services?	—	—	<u>X</u>

DISCUSSION: No city services or public utilities will be adversely affected by the proposed acquisition of the DEWC. Affected public agencies may have maintenance responsibilities as a result of the acquisition of the DEWC facilities. However, these maintenance responsibilities are expected to be incorporated into the current maintenance program of existing public agencies. Therefore, no long-term impacts to public agencies are anticipated.

Local fire departments will be notified of all temporary interruptions of water service. All efforts will be taken to avoid blocking any one street entirely.

At intersections work will be completed for one lane, the trench filled, and then the work will begin on the other lane. This method will avoid closing the street to emergency and intermittent traffic.

If necessary, emergency water will be provided by the next available fire hydrant and by fire department pumper truck water supply in accordance with routine practice.

Emergency police access will be maintained for all neighborhoods by keeping at least one lane of each street open at all times. Local police departments will be notified of the location of street and roadway excavation. Notice will allow police services to monitor traffic in the location where congestion may occur.

School activities will not be disrupted. Where construction activities require the interruption of water services to school facilities, arrangements will be made to conduct the work at night, on the weekend, or during a time period when school is not in session. These procedures are considered normal for city services and maintenance in the City of Modesto and affected agencies.

Construction activities will be confined to roadways and existing DEWC facilities and will not traverse parks or other recreation facilities. Construction may require a temporary interruption of water service to a park; however, the interruption of service would not be expected to continue for more than 24 hours and would not significantly affect public access or use of park facilities.

Construction activities will require the excavation of existing roadways. All excavation of roadways will require complete restoration of the disturbed road surface to standards of affected local agencies. Similar construction activities are conducted throughout the City of Modesto on a regular basis for the maintenance of sewer lines, water lines, and other public services.

Water services will be improved (with new water mains, fire hydrants, and pump improvements) in the long-term by the improvement of fire flows. Temporary interruptions of service will be required where the replacement or repair of water lines is necessary. All users will be notified of temporary interruptions except in case of emergency. Where the disruption of water service is not feasible during regular weekday working hours, special arrangements can be made to conduct the work on weekends or during night hours. These are standard procedures of affected local agencies.

O. UTILITIES AND ENERGY Will the proposal result in a need for new systems, or substantial alterations to the following utilities:	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. Power or natural gas?	—	<u>X</u>	—
2. Communication systems?	—	<u>X</u>	—
3. Water?	—	—	<u>X</u>

- | | | | |
|---|-----|----------|----------|
| 4. Sewer and septic tanks? | ___ | <u>X</u> | ___ |
| 5. Storm waste disposal? | ___ | <u>X</u> | ___ |
| 6. Solid waste disposal? | ___ | ___ | <u>X</u> |
| 7. Substantial amounts of fuel or energy? | ___ | ___ | <u>X</u> |

DISCUSSION: The proposed project would not cause significant environmental impacts relating to new or substantial alteration of existing utilities. The proposed project calls for the acquisition and improvement of an existing utility. No expansion of water service is proposed; therefore, no growth inducing impacts which would cause the need for new utility systems are anticipated.

The standard operating procedure of affected local agencies for subsurface work is to search and mark other underground utilities in proposed excavation areas. These procedures will ensure minimal disturbance or other substantial alteration of utilities. Therefore, no impacts associated with altering utilities are anticipated.

The proposed project would have a beneficial effect on water service in the greater Modesto area. The project would merge the DEWC systems with the existing City of Modesto water system. Since the required system would be maintained according to City of Modesto standards, no adverse impacts to utilities are anticipated.

No significant environmental impacts relating to storm water drainage facilities are anticipated because no alteration of drainage patterns would result by implementing the proposed project. Any project-related improvements would not affect the city's solid waste disposal system.

The proposed project would include improvements to existing pump stations, and would not require any additional energy to operate modified pumps as compared to existing pumps. Operation of construction equipment would require a small and unsubstantial amount of fuel usage. Construction activities are comparable to the construction required to maintain an existing underground water delivery system.

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- | | | | | |
|-----------------|---|------------|--------------|-----------|
| P. HUMAN HEALTH | Will the proposal result in: | <u>YES</u> | <u>MAYBE</u> | <u>NO</u> |
| 1. | Creation of any health hazard or potential health hazard (excluding mental health)? | ___ | ___ | <u>X</u> |
| 2. | Exposure of people to potential health hazards? | ___ | ___ | <u>X</u> |

DISCUSSION: No significant health hazards would result from project implementation. The proposed project would merge the DEWC water system with the existing City of Modesto water system. Since the acquired system would meet or exceed the Safe Drinking Water Act water quality standards and the fire flow standards of the affected agencies, City of Modesto Fire Department fire flow standards, and City of Modesto Public Works Department standards, no significant impacts would be anticipated.

Q. AESTHETICS	Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
		—	—	<u>X</u>

DISCUSSION: No significant aesthetic affects will result from the proposed project. Water lines are located below ground and therefore will not block any scenic views. Improvements to existing pump stations may be constructed above ground but will be within existing structures or enclosures. Public works departments of the affected agencies routinely provide landscaping and other screening to minimize the visual effect of above ground improvements. Therefore, no significant impacts are anticipated.

R. CULTURAL RESOURCES		<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1.	Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	—	—	<u>X</u>
2.	Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object.	—	—	<u>X</u>
3.	Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	—	—	<u>X</u>
4.	Will the proposal restrict existing religious or sacred uses within the potential impact area?	—	—	<u>X</u>

DISCUSSION: No impacts will result to historical or archaeological resources. Construction work will be conducted in urban areas and on sites already disturbed by construction. Water lines are to be placed under paved or gravel roadways. Existing roadways are generally disturbed areas where potential archaeological sites have already been disturbed. Modifications to pumps will also be

constructed on sites that are already developed, thus the potential site has already been disturbed.

No construction activity is identified to take place near a known historic structure or religious location. Construction will take place along existing water lines and at existing water pump stations.

S. MANDATORY FINDINGS OF SIGNIFICANCE

YES MAYBE NO

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory?

— — X

No. According to review of the California State Department of Fish and Game Natural Diversity Data Base for the City of Modesto (1992) and the Stanislaus Area Association of Governments Wildlife and Vegetation Element no habitat for rare, endangered, or candidate species will be disturbed. Areas to be disturbed are existing roadway right-of-way.

2. Does the project have the potential to achieve short term environmental goals, to the disadvantage of long-term, environmental goals?

— — X

No. The short-term effects related to construction are minimal. Construction will be of a magnitude comparable to existing maintenance efforts conducted by the City of Modesto on an ongoing basis.

3. Does the project have impacts which are individually limited, but cumulatively considerable?

— — X

No. The responses to the questions in this checklist document the limited effects that are anticipated as a result of the proposed project. Of the anticipated effects that can be considered significant, mitigation measures are provided that will reduce significant impacts to less-than-significant levels. No substantial residual effects are anticipated in any area of study in this document.

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

— — X

No. This document cites those areas of concern such as noise and dust emissions that could adversely affect human beings. This report also

cites mitigation measures that will effectively reduce adverse effects to less-than-significant levels. As stated previously in this report, the proposed project would bring existing water service district under the ownership of the City of Modesto. The magnitude of construction activities is expected to be similar to the requirements of maintaining the existing City of Modesto water services.

T. RECOMMENDED CONDITIONS OF APPROVAL

1. See attached memos:

Environmental Determination

REFERENCES ATTACHED.

ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

(circle one)

We find that the proposed project WILL NOT have a significant effect on the environment and conclude with a:

NEGATIVE
DECLARATION

(Note Definition of Negative Declaration per CEQA Guidelines provided below.)

We find that although the proposed project could have a significant effect in this case because the MITIGATION MEASURES described on the attached sheet(s) have been added to the project. We conclude with a:

MITIGATED
NEGATIVE
DECLARATION

We find the proposed project MAY have a significant effect on the environment as noted in this Initial Study, and an Environmental Impact is required.

ENVIRONMENTAL
IMPACT
REPORT

Negative Declaration Defined. The California Environmental Quality Act (CEQA Section 15371) defines a "Negative Declaration" as a written statement by the Lead Agency (the City of Modesto) briefly describing the reasons that a proposed project will not have a significant effect on the environment. Therefore, the project does not require the preparation of an "Environmental Impact Report."

The contents of a Negative Declaration are defined by CEQA Section 15071:

- (a) A brief description of the project, including a commonly used name for the project, if any (see Section I);
- (b) The location of the project, preferably shown on a map, and the name of the project proponent (see Figure 1);
- (c) A proposed finding that the project will not have a significant effect on the environment (see Environmental Determination);
- (d) An attached copy of the Initial Study documenting reasons to support the finding (see Section II); and
- (e) Mitigation measures, if any, included in the project to avoid potentially significant effects (see Section II).

CITY OF MODESTO ENVIRONMENTAL ASSESSMENT COMMITTEE:

Absent

Patrick Foran, Assistant Director of Parks and Recreation, Chairman

William Nichols

William Nichols, Planning and Community Development Director

Joe Holland

Joseph Holland, Transportation Planner

Laury Dowd

Laury Dowd, Senior Deputy City Attorney

Absent

Keith Munroe, Department of Environmental Resources

Date: 3-17-93

REFERENCES

Stanislaus Area Association of Governments, Environmental Resources Management Element Wildlife/Vegetation (Adopted November 1974).

Boyle Engineering, Water System Evaluation and Preliminary Engineering Report for the Del Este Water Company Facilities (November 1991) (updated 1993).

Harris, C.M., Editor, Handbook of Noise Control, Second Edition (1979).

U.S. Geological Survey Quadrangles: Salida, Brush Lake, Riverbank, and Ceres, Natural Diversity Data Base (1992).

ATTACHMENT TO NEGATIVE DECLARATION

At the meeting of the Environmental Assessment Committee on June 9, 1993, Alice Tulloch, Deputy Director of Public Works and Transportation, responded orally to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993. Her comments were considered by the Environmental Assessment Committee but were not reduced to writing at that time. The purpose of this attachment is to summarize those comments and indicate where they should be incorporated into the checklist discussion.

1. The following should be added to the discussion after paragraph S.2. on page 16:

"In response to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. An additional aspect of the potential to impede the achievement of long-term environmental goals is concerned with the economic and related physical consequences of acquiring part of the Del Este Water Company assets. A study of the economic aspects of the partial acquisition of Del Este Water Company systems has not revealed any significant economic impacts.

The City's evaluation consultant has found that outlying systems (the systems that would not be acquired) are hydraulically independent, with one minor exception. The exception is system 0016 which serves part of south Modesto and part of Ceres. The two areas of this system are divided by Highway 99, which is crossed by a single pipe. Each area has its own wells, and can function separately.

Since the outlying areas are hydraulically independent, the consultant also evaluated the economic feasibility of the outlying systems. Based on the consultant's experience, small systems serving 700 to 800 connections can be economically viable. The outlying systems of Del Este Water Company serve approximately 5,600 connections (estimated 22,000 population) in six communities. Experience indicates that small systems such as these can and are being economically operated by water purveyors. Economies of scale would be little affected in serving the same outlying areas that are served now. Del Este or its successor would continue to operate and maintain the systems to provide safe drinking water to these customers. In regulating

private water companies, the California Public Utilities Commission ensures that user rates are set to allow such systems to be safely and economically operated while still making a reasonable rate of return for the investors. Del Este can seek a rate increase if one is necessary following acquisition of part of its systems.

Since no known economic impacts would result from the project which would acquire that part of the Del Este Water Company within the City and its sphere of influence, no physical impacts will result from economic impacts."

2. The following should be added to the discussion after paragraph S.3. on page 16:

"In response to a letter received from Nossaman, Guthner, Knox & Elliott on May 11, 1993, the following information is provided. Since Del Este Water Company systems can be separated from those systems that are outside the City and its sphere of influence, no piecemeal acquisition of the Del Este Water Company systems would result. Simple acquisition is intended with minor improvements for deficient fire flows".

3. The following should be added to the discussion after paragraph H on page 8:

"In response from a letter received from Nossaman, Guthner, Know & Elliott on May 11, 1993, the following information is provided. No expansion of the Del Este Water Company facilities is anticipated in the acquisition of Del Este's systems within the City and its sphere of influence; therefore, no growth inducing impacts would result from the acquisition of Del Este Water Company systems. Acquisition within the City and its sphere of influence will not result in changed growth patterns because the project does not include expansion of existing systems to areas not now served by Del Este."



WILLIAM S. NICHOLS
Planning And Community Development Director

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814

May 26, 1993

ALICE TULLOCH
CITY OF MODESTO
801 11TH STREET
MODESTO, CA 95353Subject: DEL ESTATE
SCH # 93042078

Dear ALICE TULLOCH:

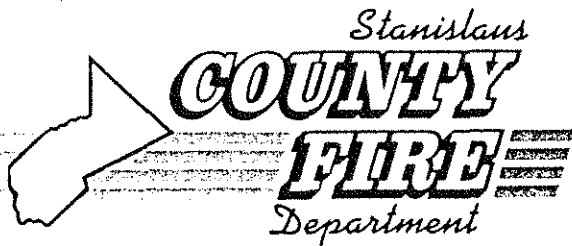
The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Russell Colliau at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in cursive script that reads "Christina Kinne".

Christina Kinne
Acting Deputy Director, Permit Assistance



Stanislaus County Fire Safety Department

929 Oakdale Road
Modesto, California 95355
Phone (209) 525-4650

Russell D. Richards III, Fire Warden

March 26, 1993

William S. Nichols
Planning Director
City of Modesto
P.O. Box 642
Modesto, CA 95353

Re: Acquisition of Del Este Water Company

Dear Mr. Nichols:

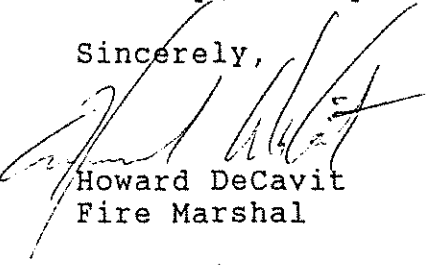
The fire service in the unincorporated areas of Stanislaus County, as well as the small cities served by the Del Este system are eagerly awaiting the improvement of the existing fire flows as many areas are inadequate.

The fire service would like to be consulted on the areas needing improvement and to have the work scheduled so as not to put the old hydrants out of service until the new ones are on line. The statement in Section #8 of the initial study and findings stating, (Emergency water will be provided by the next available fire hydrant and by fire department pumper truck water supply in accordance with routine practice.) is not acceptable as in many of the areas, hydrant spacing is such as to prohibit this and the amount of water carried on a truck is inadequate to fight a large fire. A engine that carries 500 - 1,000 gallons of water would only provide an adequate flow for one or two minutes where as the hydrant would have an unlimited supply.

The fire service requests a strong effort be made to minimize the time an area will be subject to a water shortage.

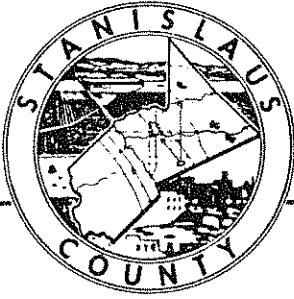
Thank you for your consideration.

Sincerely,


Howard DeCavit
Fire Marshal

cc: David Dolonar, Chief Executive Office





CHIEF EXECUTIVE OFFICER

1100 H Street, P.O. Box 3404, Modesto, California 95353

(209) 525-6333
FAX (209) 544-6226

REAGAN M. WILSON

May 26, 1993

Mr. Allen Short
Department of Planning and
Community Development
City of Modesto
P. O. Box 642
Modesto, California 95353

RE: TERMINAL RESERVOIR AND PUMP STATION, LOCATED NEAR GOMES ROAD

Dear Mr. Short:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project. The Committee's primary comment at this time is that applicable air quality control requirements be complied with to mitigate air impacts.

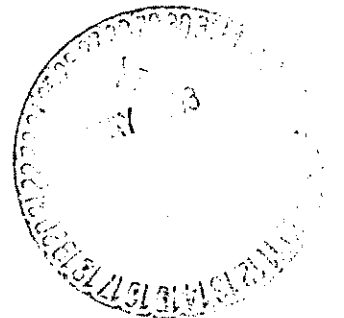
The ERC appreciates the opportunity to comment on this project.

Sincerely,

David L. Dolenar
Deputy Executive Officer
Environmental Review Committee

DLD:sbw

cc: Board of Supervisors
Reagan M. Wilson, Chief Executive Officer
ERC Members





file

1231 Eleventh St
P.O. Box 40
Modesto, CA 953
(209) 526-73

April 27, 1993

City of Modesto
Modesto Planning Department
P.O. Box 642
Modesto, CA 95353

RE: City of Modesto Acquisition of Del Este Water Company
Proposed Negative Declaration

Modesto Planning Department:

The Modesto Irrigation District has the following comments concerning the above referenced subject.

ELECTRICAL

The acquisition of Del Este Water Company by the City of Modesto has no direct effect on the District's existing electrical facilities, therefore no comments are required at this time.

IRRIGATION

The Irrigation Operations Division of the Modesto Irrigation District has no comment at this time.

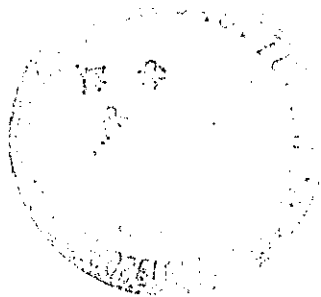
If you have any questions, my number is 526-7448.

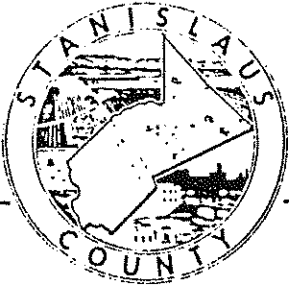
Sincerely,

Karleen Ashby
Karleen Ashby
General Services Analyst

Attachments

xc: file





DEPARTMENT OF SOCIAL SERVICES

P.O. Box 42, Modesto, CA 95353-0042
FAX (209) 525-6847



FAX NUMBER (209) 525-6847

April 23, 1993

Alice Tulloch, Deputy Public Works Director
City of Modesto
Planning and Community Development
PO Box 642
Modesto, CA 95353

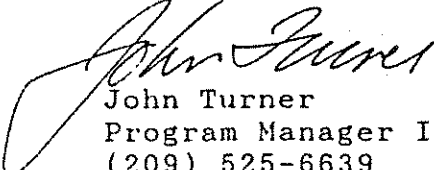
Subject: Environmental Review Comments

Project Title: Notice of Proposed Negative Declaration -
Acquisition of Del Este Water Company

Based on this agency's particular fields of expertise, our position on the project described above is:

- No comments

Response prepared by:


John Turner
Program Manager II
(209) 525-6639

JT/ok

cc: Stanislaus County Planning and Community
Development Department



LAW OFFICES
NOSSAMAN, GUTHNER, KNOX & ELLIOTT

A FIRM WHICH INCLUDES PROFESSIONAL CORPORATION

WALTER L. NOSSAMAN
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50 CALIFORNIA STREET
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LOS ANGELES, CALIFORNIA 90071-6602

TELEPHONE (213) 612-7800

FACSIMILE (213) 612-7801

May 11, 1993

WARREN ELLIOTT
OF COUNSEL

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WASHINGTON, D. C. 20037-1155
(202) 223-9100

SACRAMENTO
SUITE 1000
512 L STREET
SACRAMENTO, CA 95814-3701
(916) 442-0888

REFER TO FILE NUMBER

030669-001

By Fax (209) 544-8260

Michael D. Milich, Esq.
City Attorney
City of Modesto
801 11th Street
P.O. Box 642
Modesto, California 95353

Re: Acquisition of Del Este Water Company
By City of Modesto

Dear Mr. Milich:

This firm represents the interests of Del Este Water Company and California Water Service Company. This letter is sent with regard to the proposed acquisition of Del Este Water Company by the City of Modesto, and in particular with regard to the environmental consequences of such acquisition.

It is our understanding that the City is considering acquiring either all Del Este assets and facilities or, in the alternative, acquiring just those Del Este assets and facilities located in the City of Modesto. In either event, the City is apparently contemplating adopting a Negative Declaration under the California Environmental Quality Act ("CEQA") with respect to the acquisition. We believe that a Negative Declaration will not be sufficient to meet the requirements of CEQA. We understand that the Council has not yet acted on this matter.

NOSSAMAN, GUTHNER, KNOX & ELLIOTT

Michael D. Milich, Esq.
May 11, 1993
Page 2

CEQA requires that an Environmental Impact Report ("EIR") be prepared whenever there is a fair argument that significant impacts on the environment may occur. (Pub. Resources Code, § 21080(c), CEQA Guidelines, § 15070(a), No Oil, Inc. v. City of Los Angeles (1975) 13 Cal.3d 68, 75, Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988, 1000-1003.) With respect to either of the alternatives being considered, there are serious potential environmental impacts which the City has apparently not considered.

The facilities of Del Este extend well beyond the city limits of the City of Modesto and serve unincorporated areas outside of the City. If the City severs the existing system by acquiring only the assets and facilities located within the City, there is a substantial question as to whether the remaining system could continue to be operated to serve those unincorporated areas. Del Este may not be able to continue such service and there is a substantial question as to whether some other company would be able and willing to take over and operate that remnant of the system. There is no indication that the City has considered the potential impact on those unincorporated areas of splitting the Del Este system as the City is considering doing. Such effects must be given consideration and may require the preparation of an EIR. (CEQA Guidelines, § 15131, Friends of Mammoth v. Board of Supervisors of Mono (1972) 8 Cal.3d 247, Citizens Association for Sensible Development of Bishop Area v. Inyo (1985) 172 Cal.App.3d 151.)

If the City acquires all of the assets and facilities of Del Este, it removes an impediment to expansion and such acquisition may well have a growth inducing impact. Growth inducing impacts must be discussed in an EIR. (Pub. Resources Code, § 21100(g), CEQA Guidelines, § 15126(g).) This is particularly the case if the City contemplates this acquisition as part of a plan to expand its sphere of influence. As such, the environmental impact of those plans must be analyzed.

CEQA requires that environmental review take place as early as possible in the planning process, so that governmental entities and the citizenry may make informed decisions about whether or not to pursue a project or to maintain the status quo. (Fullerton Joint Union High School Dist. v. State Board of Education (1982) 32 Cal.3d 779, 797 (quoting No Oil, Inc. v. City of Los Angeles (1977) 13 Cal.3d 68, 77 n.5).) Where the approval at issue is a necessary step in a chain of events culminating in a physical impact, an EIR is required, even if no specific physical impact will immediately follow. (City of Livermore v. Local Agency Formation Comm'n (1986) 183 Cal.App.3d 861 (revision of sphere of influence guidelines requires EIR since changed growth patterns will result); Citizens' Assn. for Sensible Development of Bishop v. County of Inyo (1985) 172 Cal.App.3d 151, 164-173 (project approval improper where board of

NOSSAMAN, GUTHNER, KNOX & ELLIOTT

Michael D. Milich, Esq.
May 11, 1993
Page 3

supervisors divided proposed shopping center into two separate projects and made negative declaration as to each one); Bozung v. Local Agency Formation Comm'n (1975) 13 Cal.3d 263, 277-279 (EIR required prior to annexation.) Moreover, it is expressly improper to fail to prepare an EIR at the earliest opportunity in the planning process even where the specific projects contemplated by the plan will be the subject of individual EIRs. (Rosenthal v. Board of Supervisors (1975) 44 Cal.App.3d 815, 822.)


"If an individual project is a component of a larger, ultimate project (a 'multiple' or 'phased' project), and is a necessary precedent for action on the larger project, the ultimate project must be described and analyzed in the EIR." (Laurel Heights Improvement Assn. v. Regents of Univ. of California (1987) 193 Cal.App.3d 467, 477.)

Moreover, it is expressly improper to "piecemeal" a project:

"... CEQA mandates '... that environmental considerations do not become submerged by chopping a large project into many little ones - each with a minimal potential impact on the environment - which cumulatively may have disastrous consequences.' (Bozung v. Local Agency Formation Com., [(1975) 13 Cal.3d 263], at pp. 283-284." (Citizens Assn. for Sensible Development of Bishop, supra, 172 Cal.App.3d 151, 165.)

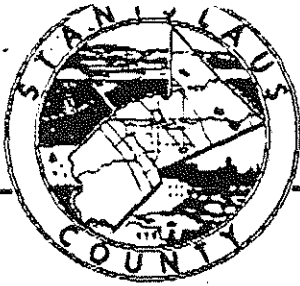
In light of the foregoing considerations, we believe that a Negative Declaration would be insufficient to meet the requirements of CEQA with respect to the proposed acquisition. We urge the City to act accordingly.

Very truly yours,



John Ossiff
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT

030669.001\MAIL\CH2.305



CHIEF EXECUTIVE OFFICER

1100 H Street, P.O. Box 3404, Modesto, California 95353

(209) 525-6333
FAX (209) 544-6226

REAGAN M. WILSON

March 24, 1993

Mr. Bill Nichols, Director
Department of Planning and
Community Development
City of Modesto
P. O. Box 642
Modesto, California 95353


RE: DEL ESTE WATER COMPANY ACQUISITION (TWO ALTERNATIVES)

Dear Mr. Nichols:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project. In response to the discussion regarding Emergency Fire Flows and Service, the Committee supports the Fire Marshal's concerns that dispatch of a pumper truck, in lieu of regular water service, significantly reduces the level of fire service protection. Therefore, the ERC requests the City of Modesto identify and provide mitigation measures and/or conditions to assure sufficient emergency water service is available.

The ERC appreciates the opportunity to comment on this project.

Sincerely,


David L. Dolinar
Deputy Executive Officer
Environmental Review Committee

DLD:MH:sbw

cc: Board of Supervisors
Reagan Wilson, Chief Executive Officer
ERC Members



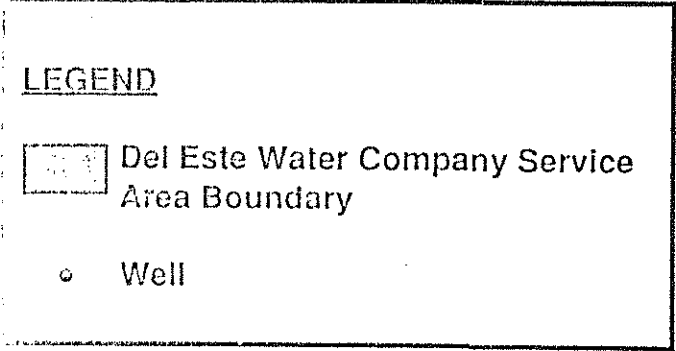
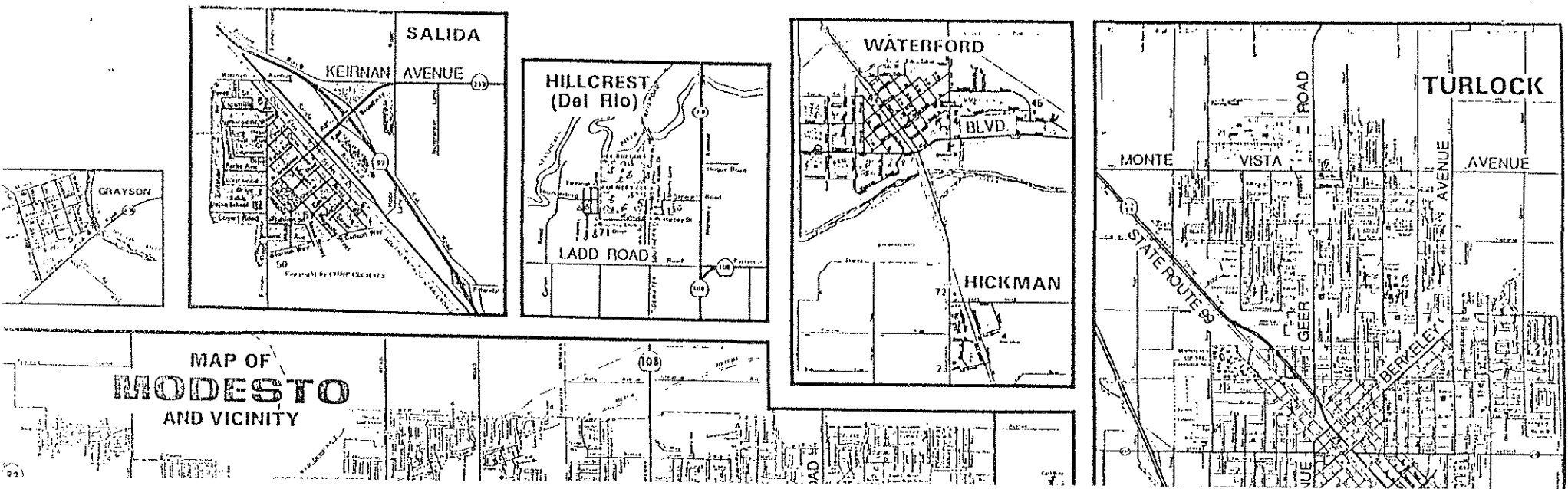


Figure 1.
Del Este Water Company Service Areas



**CITY OF MODESTO
AGENDA REPORT**

**AGENDA ITEM NO. 12
COUNCIL MEETING: 3/7/95**

March 3, 1995

TO: City Council
THROUGH: J. Edward Tewes, City Manager
FROM: R. Marshall Elizer, Jr., Public Works and Transportation Director
SUBJECT: **Del Este Water Company Acquisition**

Recommended Action

- (1) Adoption of a resolution certifying review of the environmental assessment, and approving the proposed Negative Declaration, and directing a Notice of Determination of the environmental impact relating to the acquisition of the Del Este Water Company (Del Este) in its entirety.
- (2) Adoption of a resolution authorizing the City Manager to execute a Settlement and Asset Purchase Agreement with the Del Este Water Company.

Public Benefits of Acquisition of Del Este System Within City and City's Sphere of Influence

Significant public benefits will result for the residents and businesses of Modesto when the City acquires the Del Este system within the City and its sphere. These benefits include: lower water rates, better service, better pressures and fire flows, and coordinated management of the groundwater supply. They are discussed in more detail below.

Lower Rates

The City will be able to provide the same or improved levels of service as Del Este at lower rates. This is due to the factors discussed later under "Rate Comparison."

Uniform Service City-Wide and Improved Service

While the current Del Este system meets state and CPUC standards, the City will replace many existing 4" mains with 6" mains (standard City-sized mains), thus increasing fire flow. The cost of replacing the mains will be recoverable in the rate base if done by the City, whereas the CPUC will not allow a regulated utility, such as Del Este, to recover the cost of upgrading the mains to 6" in the rate base (since it exceeds minimum state standards). The City will also replace existing hydrants that do not comply with City standards or add hydrants to comply with

Exhibit "B"

City spacing requirements. The City has traditionally provided these higher system standards with lower rates for its customers. In addition, the City can borrow at tax-exempt rates for improvements whereas Del Este has traditionally had to borrow at market rate to finance improvements. A wider range of financial options are available to the City, such as general obligation bonds, and certificates of participation.

Acquisition of the Del Este system within the City limits and within the City's sphere of influence will allow the City to fully interconnect the Del Este system with the City's existing system, which will provide several benefits: (a) improved fire flows; (b) improved reliability; (c) flexibility for shutdown of wells for maintenance; and (d) no duplication of facilities in bordering areas.

Billing for water service will be consolidated with City billings for sewer service, making payment easier for customers.

Potential for Future Uniform Rates City Wide

Historically, rates charged by Del Este in its Modesto systems have been greater than rates charged by the City. Acquisition will allow the City to someday charge uniform rates throughout the City and areas within its sphere of influence. Rate equalization cannot occur now due primarily to Del Este's inability to more cost effectively service its MID project debt due to CPUC regulations.

Combining systems in the Modesto area will result in less confusion regarding the service providers. The City also has a senior and disabled citizen discount program which will be extended to qualified Del Este customers in the City.

Local Control

As a publicly-owned utility, the City's system is not subject to CPUC regulation. Residents' concerns with quality of services, rates, and other matters are addressed locally by the City Council rather than by the CPUC in San Francisco. This local control of City water rates has resulted in historically lower City water rates than Del Este. City control of the Del Este system within the area of the City's sphere of influence will allow the City to provide unified service within the area of expected growth.

The City maintains a long-range technical and financial plan for its water supply, distribution, and quality. This plan is based on a community decision-making process, and it is updated annually by the City Council. The Del Este systems would now be a part of this process.

Fire Insurance Rates

An increase in fire flows from installation of 6" mains may assist in lowering fire insurance rates within the community. Current fire insurance ratings are based on an evaluation of the entire fire response capability of an area. Deficiencies in the Del Este fire flows have prevented City residents from receiving lower fire insurance rates. The upgrade of the Del Este system by the City will likely mean lower fire insurance premiums for most City residents and businesses.

Better Responsiveness to New Water Quality Concerns

New and stricter water quality regulations will continue to be adopted by federal and state regulators. Due to its long-range planning, the City is able to quickly apply the expertise and financial strength needed to comply with these regulations. It can also establish an orderly and gradual rate program to minimize the impact of new water regulations on the community economy.

As a CPUC-regulated water company, Del Este has not been able adjust revenues in advance of actual need to avoid significant one-time rate increases. In addition, the formal CPUC rate adjustment process creates a delay between need and implementation. The difficulty of Del Este to obtain security for its financial commitment under the MID Treatment and Delivery Agreement from private sources is indicative of the problems faced by private utilities in obtaining resources for capital improvements to address water quality problems.

Unified Ground Water Management

The City has committed significant resources to developing a conjunctive ground water and surface water supply strategy that includes the MID Drinking Water Project and Joint Powers Authority for a surface water supply in the Turlock Irrigation District area. These depend on prudent management of the ground water supply as well. Unifying the extraction of the ground water for domestic service under one agency will result in better management and control of this valuable physical resource and of the community's economic resources committed for its management.

The City, Del Este and other local water providers are also developing a regional ground water management plan in accordance with AB 3030. However, this legislation does not require participation by Del Este or any CPUC-regulated water utility.

Acquisition of Del Este System Outside the City

Acquisition of the portion of Del Este's system outside the City and its planned sphere of influence will include about 4,000 connections in the areas of Ceres, Turlock, Waterford, and the unincorporated communities of Del Rio, Grayson, and Hickman. These "outlying" systems are hydraulically independent, with one minor exception. The exception is DHS system 50-016 which serves part of south Modesto and part of Ceres. The two areas of this system are divided by Highway 99 which is crossed by a single pipe. However, each area has its own wells and can function separately following acquisition by the City.

Upon transfer, City crews will continue to operate and maintain all outlying systems as Del Este previously has. Staff will also begin discussions with the appropriate agencies and districts to determine their interest in acquiring the systems within their boundaries.

Background

The Del Este Water Company is a privately-owned public utility engaged in the business of supplying and distributing water for domestic and industrial purposes to approximately 19,500 customers. Some 12,000 of those customers are located in the current Modesto area, with the remaining 7,500 in several nearby communities (including portions of the communities of Ceres, Del Rio, Empire, Grayson, Hickman, Salida, Turlock, and Waterford) in incorporated and unincorporated areas of Stanislaus County (see Attachment 1).

Del Este operates 18 separate systems. Del Este is regulated by the California Public Utilities Commission (CPUC) with the exception of water quality which is regulated by the California Department of Health Services (DHS). Del Este obtains water from groundwater wells and its 30% share of the Modesto Irrigation District (MID) Domestic Water Project. Each of its 18 systems is served by two or more wells. With one exception, the 18 systems are hydraulically independent. The systems contain approximately 1.2 million feet of pipe and approximately 66 active wells. Attachment 2 is a map of the Del Este systems areas.

The City of Modesto supplies water for domestic and industrial purposes to approximately 49,000 customers within the City limits. The City system has developed through acquisition of small, private water companies and construction of new facilities. The City system obtains water from groundwater wells and its 70% share of the MID Domestic Water Project. The City provides water to the areas surrounding the Del Este systems within the City and its sphere of influence.

Because the City is the water provider to areas surrounding the Del Este systems within the City limits and its sphere of influence, the City approached Del Este in 1989 to discuss an agreement for purchase by the City of Del Este, the last remaining private water company in Modesto. Del Este indicated at that time that it was not interested in selling its systems. Then, in 1990, Del Este indicated a willingness to enter into discussions with the City to sell the entire system to the City. At this stage, the City conducted extensive engineering and financial studies to assess the benefits and costs of such a sale. The conclusion was that the purchase was feasible and would

result in improved water service to the community at potentially lower cost. After a number of discussions, the City made an initial offer to Del Este in 1992 to purchase the entire system. Negotiations did not result in a sales agreement.

In November 1992, Del Este entered into an agreement to sell its entire water system to another private water company, California Water Service Company (CWSC). The sale required approval of the CPUC. The City filed a protest in the CPUC proceeding to assure that several issues of concern to Modesto residents served by Del Este were addressed if the sale was approved. The parties later terminated the agreement prior to CPUC action on the proposed sale.

The City Council subsequently directed staff to evaluate the feasibility and potential public benefits of the City acquiring all or part of Del Este. Staff evaluated the benefits of acquiring all of Del Este's systems or only those systems within the City and its sphere of influence. Based on further financial and engineering evaluations, staff recommended that it was in the best interest of the community for the City to take all necessary actions to pursue acquisition of those Del Este systems within the City and the City's sphere. As a result, on June 22, 1993, the Council adopted a Resolution of Necessity to acquire by eminent domain that portion of Del Este within the City limits and sphere of influence. An Eminent domain action was filed and subsequently filed on July 20, 1993. On July 21, 1993, Del Este filed a lawsuit alleging that the City failed to comply with the requirements of the California Environmental Quality Act (CEQA).

In late 1993 and thereafter, the City and Del Este agreed to a series of continuances in the litigation while settlement discussions were underway. These negotiations proceeded during 1994 and have recently concluded. The proposed settlement agreement provides that the City will purchase the Del Este Water Company in its entirety for \$9.5 million. The closing date of the transaction is July 1, 1995, and is conditioned on, among other things, the City obtaining satisfactory financing of the purchase price. After the closing, a stipulated judgment will be entered in the eminent domain action, subject to the terms and conditions of the settlement agreement, and the CEQA lawsuit will be dismissed.

Rate Comparison

Historically, Modesto's rates have been less than Del Este's rates for providing comparable service to similar customers. Analysis shows that Del Este's Modesto-area rates have traditionally been higher than the City's, and recently increased by 88 to 108% due primarily to the new surface water project. It also indicates that rates for Del Este customers within Modesto will be reduced when acquisition occurs. Although current projections suggest that the reduction in typical residential monthly rates will be between \$1-\$2, further financial analysis between now and the July 1 closing date may yield additional reductions.

Staff attributes the traditionally higher rates in the Del Este service area to several factors:

1. The CPUC allows private water companies to earn a rate of return up to 11.5%, whereas the City only recovers the actual cost of water service delivery;

2. Del Este pays taxes whereas the City does not;
3. Del Este cannot obtain tax-exempt interest rates when borrowing money for capital improvements whereas the City does;
4. Del Este is required to pay franchise fees whereas the City does not; and
5. Operational differences and differences in economies of scale.

Environmental Review

On March 17, 1993, the City's Environmental Assessment Committee considered two alternative projects and recommended that draft Negative Declarations be prepared for both alternatives. Public review period for the draft Negative Declarations was March 26th through May 28, 1993. The two alternatives analyzed were:

1. Acquisition of the Del Este system within the City and its sphere of influence, together with construction of the same improvements as below (Project Alternative A.)
2. Acquisition of the entire Del Este system together with the construction of certain existing system improvements within the City and its sphere of influence to correct fire system deficiencies with respect to City standards, including replacement of a number of pipelines and obsolete fire hydrants and the addition of fire hydrants to meet City spacing standards. (Project Alternative B.)

During the public review period, six comments were received by the City on the Draft Negative Declarations:

1. The state clearing house indicated that no state agencies had comments to make, and that the City had "complied with state clearing house review requirements."
2. John Turner of the Department of Social Services had "no comments" on either project.
3. Karleen Ashby of Modesto Irrigation District had "no comments" on either project.
4. Howard DeCavit, Stanislaus County Fire Marshal, indicated concern over the time an area will be subject to a water shortage. He then noted his department was awaiting the improvement of fire flows as many areas are inadequate.
5. Dave Dolenar, Deputy Chief Executive Officer of Stanislaus County, indicated support of the Fire Marshal's concerns.
6. Nossaman, Gunthner, Knox & Elliot, on behalf of Del Este, raised several legal concerns regarding the environmental process.

The following measures, recommended by Fire Marshall DeCavit, will be incorporated into the project:

1. The Stanislaus County Fire Marshal shall be contacted 48 hours in advance of any construction work that will interrupt water service to fire hydrants in the unincorporated county. Early notice of service interruption will allow the County Fire Department to dispatch water tanker trucks as necessary. Emergency services, such as broken water mains, are unforeseen; emergency water service events should be reported to the Fire Marshal as soon as possible.
2. No fire hydrant in the unincorporated county area shall be kept out of service for more than eight hours at a time. If an interruption of service will be necessary for more than eight hours, written notice shall be supplied to the County Fire Marshal explaining the need for service interruption and the expected duration of the service interruption. Additional water tankers with water storage will be made available on-site by the City if requested by the County Fire Marshal.
3. Service shall not be interrupted to more than one fire hydrant in a series in the unincorporated county area at any one time. Where interruption of service to more than one fire hydrant is required, the County Fire Marshal shall be contacted 48 hours in advance. In such an instance, the City of Modesto shall provide additional on-site water storage or other fire prevention measures as required by the County Fire Marshal.

On June 9, 1993, the City's Environmental Assessment Committee recommended that the City Council certify a Negative Declaration.

Both alternative projects also include certain pipeline replacements to correct system deficiencies in fire flow and pressure. No significant long-term environmental impacts of either project were identified. Customary City practices during pipeline replacement in public right-of-way are sufficient to avoid any short-term impact to the public during such construction.

On June 22, 1993, the City Council approved the Negative Declaration for Project Alternative A. Since then, as indicated above, Del Este and the City have agreed to settle the eminent domain action and the CEQA litigation by entering into an agreement which provides for the acquisition of the Del Este Water Company in its entirety (Alternative Project B). Therefore, it is recommended that the City Council now approve the Negative Declaration for Project Alternative B (see Attachment 3).

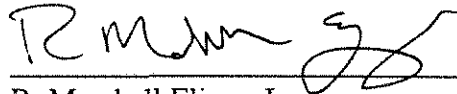
Recommendation

Based on this evaluation of the identified and anticipated public benefits which are expected to result from the City's acquisition of the Del Este Water Company, staff recommends adoption of resolutions approving the Negative Declaration (see Attachment 4) and authorizing the City Manager to execute Settlement and Asset Purchase Agreement with the Del Este Water Company in that order.

Steps Following Approval

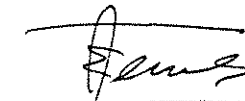
1. City Manager will execute Settlement and Asset Purchase Agreement.
2. The Community Development Department will file a Notice of Determination with the Stanislaus County Clerk.
3. Staff will complete all financial, engineering, and environmental due diligence prior to closing.
4. Staff will begin to work with Del Este to facilitate a smooth transition of operations, billing, accounting, and administrative functions.
5. The closing will take place on or about July 1, 1995.
6. Judgment will be entered in the eminent domain action, subject to the terms and conditions of the Settlement and Asset Purchase Agreement, and the CEQA lawsuit will be dismissed.

Prepared and recommended by:



R. Marshall Elizer, Jr.
Public Works and Transportation Director

Submitted by:



J. Edward Tewes
City Manager

RME:dm
Attachments

cc: J. Edward Tewes, City Manager
Paul Baxter, Deputy City Manager
Mike Milich, City Attorney
Norrine Coyle, City Clerk
Kevin Riper, Finance Director
Alice Tulloch, Deputy Director-Utilities
Ken Beard, Del Este Water Company

MODESTO CITY COUNCIL
RESOLUTION NO. 95-128

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF R. KIRK LINDSEY FROM THE REDEVELOPMENT ADVISORY COMMISSION, EFFECTIVE MARCH 7, 1995

WHEREAS, R. Kirk Lindsey was appointed a member of the Redevelopment Advisory Commission on August 25, 1992; and

WHEREAS, R. Kirk Lindsey has tendered his resignation from the Redevelopment Advisory Commission, effective March 7, 1995; and

WHEREAS, R. Kirk Lindsey 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 R. Kirk Lindsey from the Redevelopment Advisory 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 R. Kirk Lindsey 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 7th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-129

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SUSAN MIDDLETON-KEIRN FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE MARCH 7, 1995

WHEREAS, Susan Middleton-Keirn was appointed a member of the Human Relations Commission on July 13, 1993; and

WHEREAS, Susan Middleton-Keirn has tendered her resignation from the Human Relations Commission, effective March 7, 1995; and

WHEREAS, Susan Middleton-Keirn 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 Susan Middleton-Keirn 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 this City, hereby expresses its sincere appreciation to Susan Middleton-Keirn 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 7th day of March, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-130

A RESOLUTION APPOINTING ERIC H. BENSON TO THE DOWNTOWN IMPROVEMENT
DISTRICT BOARD OF DIRECTORS

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

SECTION 1. The following person is hereby appointed to the
Downtown Improvement District Board of Directors:

Eric H. Benson
2816 Eastridge Court
Modesto, Ca. 95355
Term to expire 3/28/97

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the new member of the Downtown Improvement
District Board of Directors and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of March, 1995,
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember McClanahan , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-131

A RESOLUTION REAPPOINTING BECKY WARD AS THE PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

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

SECTION 1. Becky Ward is hereby reappointed as the Planning Commission representative to the Board of Zoning Adjustment, term to expire 1/1/96.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed representative 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 7th day of March, 1995, Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-132

A RESOLUTION REAPPOINTING TIM FISHER AS THE PLANNING COMMISSION
REPRESENTATIVE TO THE REDEVELOPMENT ADVISORY COMMISSION

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

SECTION 1. Tim Fisher is hereby reappointed as the Planning
Commission representative to the Redevelopment Advisory Commission, term
to expire 1/1/96.

SECTION 2. The City Clerk is hereby directed to transmit a copy
of this resolution to the reappointed representative 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 7th day of March, 1995,
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember McClanahan , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-133

A RESOLUTION GRANTING THE APPEAL OF DOCTORS MEDICAL CENTER TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(317), FOR A MULTI-STORY EMERGENCY ROOM AND LAB EXPANSION AT THE NORTH-CENTER OF THE DOCTORS HOSPITAL SITE AT 1441 FLORIDA AVENUE.

WHEREAS, Ordinance No. 2080-C.S., which was introduced on September 8, 1981, finally adopted on September 22, 1981, and which became effective on October 22, 1981, granted P-D(317) to allow hospital and related facilities and a medical office building, and

WHEREAS, City Council Resolution No. 81-780, adopted on September 8, 1981, approved the development plan, subject to certain conditions, for P-D(317), and

WHEREAS, Section 10-2.1709 of the Modesto Municipal Code authorizes the Planning Commission to approve revisions to the development plan of a Planned Development Zone, and

WHEREAS, on August 1, 1988, the Planning Commission approved a comprehensive development plan for expansion of P-D(317), Doctors Medical Center, including two- and four-story "tower" additions and the Women and Children's Center on the north side and on the east side of the hospital, and

WHEREAS, City Council Resolution No. 90-760, adopted on September 18, 1990, granted an appeal filed by National Medical Enterprises, relating to Condition No. 2 of Planning Commission

Resolution No. 90-66, which required certain road improvements on Sherwood Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(317), was filed by Doctors Medical Center on December 7, 1994, for a two-, three-, and four-story hospital expansion, including emergency room and lab facilities at the north-center of the Doctors Hospital site at 1441 Florida Avenue, located between Florida and Sherwood Avenues, and between West Granger and West Orangeburg Avenues, and

WHEREAS, a public hearing was held by the Planning Commission on March 6, 1995, in the City Council Chambers, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, with a bare quorum of four, the Planning Commission, with a three to one vote on a motion to approve, was unable to approve the proposed amendment, and

WHEREAS, the Planning Commission by its Resolution No. 95-07 denied the application in order to facilitate an appeal to the City Council without undue delay, and

WHEREAS, an appeal to the decision of the Planning Commission's denial of the request for an amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital site at 1441 Florida Avenue, was filed with the office of the City Clerk by Doctors Medical Center by letter dated March 8, 1995, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 21, 1995, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the requested amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital site at 1441 Florida Avenue should be granted for the following reasons:

1. That the proposed amendment to P-D(317) to revise the site plan to include the Emergency Room/Lab tower is in accordance with community objectives set forth in the General Plan, which provides for concentration of medical offices along with hospitals in conjunction with good transportation facilities.
2. That a Negative Declaration, recommended by the Environmental Assessment Committee in the initial study dated January 11, 1995, should be certified as adopted.

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

SECTION 1. APPEAL GRANTED. The appeal of Doctors Medical Center for an amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital site at 1441 Florida Avenue is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for an amendment to Planned Development Zone, P-D(317), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Facility Master Site Plan" as amended in red, stamped approved by the City Council on March 21, 1995.
2. Prior to the start of construction, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the west property line. 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:
 - Five-foot- (5') high decorative masonry wall along the remainder of the Sherwood Avenue frontage with setback and style to match that already existing.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
6. Prior to start of construction, the developer shall show on the construction plans 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. Prior to occupancy of new construction, the applicant shall satisfy the Fire Chief as to the adequacy of the southerly emergency accessway onto Sherwood Avenue and the interior aisleway/driveway along the west side of the building complex.
7. All conditions of City Council Resolution No. 81-780 and Planning Commission Resolution Nos.

88-89 and 90-84, not in conflict with this action shall remain in full force and effect.

8. In the event no building permits or further approval is required from the City of Modesto prior to the commencement of construction, developer shall, within 30 days or prior to the commencement of construction whichever shall first occur, pay to the City of Modesto the Capital Facilities Fee due for the hospital expansion project.

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 X 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 21st day of March, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-134

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(317), FOR A MULTI-STORY EMERGENCY ROOM AND LAB EXPANSION AT THE NORTH-CENTER OF THE DOCTORS HOSPITAL SITE AT 1441 FLORIDA AVENUE.

WHEREAS, on January 11, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Planned Development Zone, P-D(317), for a multi-story emergency room and lab expansion at the north-center of the Doctors Hospital Site at 1441 Florida Avenue, located between Florida and Sherwood Avenues, and between West Granger and West Orangeburg Avenues, might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-135

A RESOLUTION ACCEPTING THE BID OF COMPLETE COACH WORKS FOR REPLACEMENT OF ELEVEN WHEELCHAIR LIFTS ON EXISTING MODESTO AREA EXPRESS BUSES

WHEREAS, Resolution No. 94-639, adopted by the Council of the City of Modesto on November 8, 1994, approved the plans and specifications for replacement of eleven wheelchair lifts on existing Modesto Area Express buses, and authorized the calling for bids; and

WHEREAS, the bids received for replacement of eleven wheelchair lifts on existing Modesto Area Express buses were opened at 11:00 a.m. on December 5, 1994, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Complete Coach Works in the amount of \$217,250, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Complete Coach Works 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 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-136

A RESOLUTION ACCEPTING THE BIDS OF CENTRAL JANITORS SUPPLY, RANKIK PAPER COMPANY, SAN JOAQUIN SUPPLY AND PORT STOCKTON FOOD, INC. FOR FURNISHING RECYCLED JANITORIAL PAPER PRODUCTS UNDER A SIX MONTH COOPERATIVE LOCAL GOVERNMENT AGENCY BID WITH A MAXIMUM SIX MONTH EXTENSION

WHEREAS, Resolution No. 95-43, adopted by the Council of the City of Modesto on January 17, 1995, approved the plans and specifications for purchase of annual recycled janitorial paper products under a local government agency bid, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of annual recycled janitorial paper products uncer a local government agency bid were opened at 11:00 a.m. on February 7, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Central Janitors Supply, Randik Paper Company, San Joaquin Supply and Port Stockton Food, Inc. for a one-year estimated total cost of \$27,000, be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Central Janitors Supply, Randik Paper Company, San Joaquin Supply and Port Stockton Food, Inc. be accepted under a six month cooperative local government agency bid with a maximum six month extension, 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 21st day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-137

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PICNIC AREA AND SHADE STRUCTURE
AT EAST LA LOMA PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the construction of picnic area and shade structure at East La Loma Park, has been completed by Thorcon, Inc., in accordance with the contract agreement dated March 8, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the construction of picnic area and shade structure at East La Loma Park be accepted from said contractor, Thorcon, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$79,265.12, 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 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-138

A RESOLUTION ACCEPTING WELL NOS. 6, 40, 41, AND 42 GENERATOR INSTALLATIONS
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Well Nos. 6, 40, 41 and 42 generator installations, has been completed by Industrial Electrical Co., in accordance with the contract agreement dated February 15, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Well Nos. 6, 40, 41 and 42 generator installations, be accepted from said contractor, Industrial Electrical Co.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$173,275, 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 21st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-139

A RESOLUTION AUTHORIZING PAYMENT OF A
CONSTRUCTION CLAIM FILED ON THE PARALLEL
OUTFALL SEWER PROJECT BY THE CONTRACTOR,
MOUNTAIN CASCADE, INC.

WHEREAS, on November 1, 1994, the City Council accepted
the "Parallel Outfall Sewer" project as complete, and

WHEREAS, the contractor, Mountain Cascade, Inc.,
performed the work which included installing approximately two
miles of 60-inch diameter pipe, parallel to the existing outfall
between Grayson Road and the Secondary Treatment Plant, and

WHEREAS, during the course of construction, the
contractor encountered flowing water in the ground during
trenching operations; the contractor gave notice that this
condition was considered to be significantly different than what
was anticipated at the time of preparing the bid; and contractor
filed a claim for \$49,846 to cover additional costs spent to
prepare a stable bedding to lay the pipe, and

WHEREAS, after the contractor presented technical
arguments which convinced City staff that contractor did indeed
encounter site conditions that could not have been anticipated at
the time of bid, which was supported by technical references,
photographs of the construction in progress, and well log
information of ground water from nearby T.I.D. wells, and

WHEREAS, City staff has recommended, by a report to the
Council dated March 15, 1995, from the Public Works and

Transportation Director, a copy of which is on file in the Office of the City Clerk, payment of the construction claim filed by Mountain Cascade, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that payment of a construction claim in the amount of \$49,846 to cover additional costs spent to prepare a stable bedding to lay pipe, filed on the Parallel Outfall Sewer Project by the contractor, Mountain Cascade, Inc., is hereby authorized as recommended by City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2st day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-140

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$49,846.00 TO FUND
ADDITIONAL COSTS INCURRED ON THE PARALLEL OUTFALL SEWER PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: Lakewood Sewer Trunk Ext. (622 480 D311 6050)	\$49,846.00
TO: Parallel Outfall Sewer (622 480 D313 6050)	\$49,846.00

During the course of construction, the contractor encountered
flowing water in the ground during trenching operations. This
resulted in additional costs for the contractor to prepare a
stable bedding to lay the pipe. This appropriation transfer is
necessary to allow the claim to be settled.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of March, 1995,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-141

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY FOR ENGINEERING SERVICES FOR RELOCATION OF UNION PACIFIC RAILROAD FROM 9TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and DeLeuw, Cather & Company for engineering services for relocation of Union Pacific Railroad from 9th Street be, and it is hereby approved.

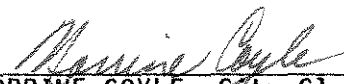
BE IT FURTHER RESOLVED that the execution of said amended agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Dobbs ,who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-142

A RESOLUTION APPROVING A GRANT AGREEMENT FOR \$2,220 TO RANDY MAGNUS FOR PRODUCTION OF A CABLE TELEVISION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the grant agreement between the City of Modesto and Randy Magnus for production of a cable television program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 21st day of March, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-143

A RESOLUTION APPROVING AN AMENDED GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR THE MODESTO CITY-COUNTY AIRPORT PROJECT TO RECONSTRUCT AND ENLARGE THE PASSENGER TERMINAL TO INCREASE FEDERAL PARTICIPATION BY \$80,665.20 (AIP 3-06-0L53-09)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended grant agreement between the City of Modesto and the Federal Aviation Administration for the Modesto City-County Airport project to reconstruct and enlarge the passenger terminal to increase federal participation by \$80,665.20 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 21st day of March, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-144

A RESOLUTION APPROVING A 15-YEAR LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO INSTALL AN AUTOMATED SURFACE OBSERVATION SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 15-year lease agreement between the City of Modesto and the National Oceanic and Atmospheric Administration to install an automated surface observation system at the Modesto city-County Airport be, and it is hereby approved.

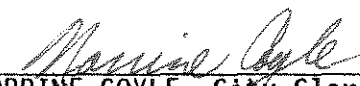
BE IT FURTHER RESOLVED that the execution of said lease agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-145

A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP TO PREPARE THE DESIGN DEVELOPMENT REPORT FOR CHRYSLER 99 NEIGHBORHOOD PARK, THE DESIGN DEVELOPMENT REPORT FOR EISENHUT NEIGHBORHOOD PARK, WORKING DRAWINGS FOR THE DRY CREEK TRAIL PROJECT AND CONCEPTUAL DESIGN LAYOUTS FOR WOODLAND NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the professional services contract between the City of Modesto and RRM Design Group to prepare the Design Development Report for Chrysler 99 Neighborhood Park, the Design Development Report for Eisenhut Neighborhood Park, working drawings for the Dry Creek Trail Project and conceptual design layouts for Woodland Neighborhood park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said contract 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 21st day of March, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-146

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,032 TO FUND
THE EISENHUT NEIGHBORHOOD PARK MASTER PLAN

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM:	Chrysler 99 Working Drawings (150 310 D241)	\$3,032
TO:	Eisenhut Neigh. Park Master Plan (150 310 D250)	\$3,032

Funds are needed to complete the Design Development Report for
Eisenhut Neighborhood Park. Funds are available from the Chrysler
99 Working Drawings Project due to savings.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of March, 1995,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-147

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$12,889 TO FUND
THE CHRYSLER 99 DESIGN DEVELOPMENT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM:	Woodland Neighborhood Park	\$6,982
	Village I Land Acquisition	\$5,907
TO:	Chrysler 99 Design Developmt.	\$12,889
	(135 310 B015)	

Funds are needed to complete the Design Development Report for
Chrysler 99 Neighborhood Park. funds are available from the
Woodland Park Master Plan and Village I Land Acquisition Projects
due to savings.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 21st day of March, 1995,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-148

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICES PROGRAM TO FINANCE A DISCOUNT GOLF PROGRAM FOR SENIOR CITIZENS AT MUNI GOLF COURSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Services Program to finance a discount gold program for senior citizens at Muni Golf Course 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 21st day of March, 1995, by Councilmember McClanahan ,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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-149

A RESOLUTION APPROVING A LETTER OF INTENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF CALIFORNIA WILDLIFE CONSERVATION BOARD TO MANAGE PROPERTY TO BE ACQUIRED BY THE BOARD ALONG THE TUOLUMNE RIVER FOR RIPARIAN RESTORATION AND PRESERVATION

WHEREAS, staff has been working with various State agencies to secure funds for acquisition of land along the Tuolumne River in accordance with the Land Use Plan for the Tuolumne River Regional Park; and

WHEREAS, the State Wildlife Conservation Board has agreed to purchase land along the Tuolumne River for the purpose of riparian restoration and preservation consistent with the Land Use Plan for the Tuolumne River Regional Park, with the understanding that the City of Modesto provide a Letter of Intent to manage the property after acquisition by the State Wildlife Conservation Board.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Letter of Intent to enter into a Memorandum of Understanding with the State of California Wildlife Conservation Board to manage property to be acquired by the Board along the Tuolumne River be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Letter of Intent 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 21st day of March, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-150

A RESOLUTION APPROVING THE CULTURE COMMISSION RECOMMENDATIONS CONCERNING APPROVAL OF REQUESTS FROM LOCAL ORGANIZATIONS FOR FINANCIAL ASSISTANCE

WHEREAS, City Council Policy No. 1.010, entitled "Requests for City Financial Assistance", established guidelines for approval of requests from local organizations for financial assistance; and

WHEREAS, at the Council meeting of May 24, 1994, the City Council authorized the Modesto Culture Commission to evaluate the system and criteria for issuing grants, in order to more effectively evaluate the needs of applicants and to more appropriately distribute available funds; and

WHEREAS, the Financial Policy Committee met on March 8, 1995, and support the following recommendations:

1. The existing policies should continue to be used to determine eligibility. In order to recognize the diversity of the program, the name of the program should be the "Arts, Music, and Promotions Financial Assistance Program". Further, the Culture Commission should only review and provide recommendations to Council on those requests from organizations who represent the arts (performing, visual, literary, festivals, etc.). any other requests should be reviewed and recommended by staff.
2. Organizations that do not comply with all the requirements should be ineligible. The application should ask whether they comply with the policy.
3. Each organization should submit a final year-end report that is an integral part of the process. The final report requirements will be sent to the recipient of the grant at the time of the award. No further awards ought to be given if the final report is not submitted at the appropriate time. Samples of the City acknowledgements should accompany the report.
4. A factor in reviewing the applications should be the extent to which the applying organization is able and willing to commit funds from sources other than the City.

5. A document substantiating the not-for-profit status should be submitted with the request.
6. Responses should be in the form of a statement. ("yes" or "no" responses are unacceptable.)
7. The amount of the award should be based upon need and the scope of the proposed activities.
8. The Culture Commission should develop a criteria and evaluation system that determines the need for funding.
9. Each organization should be required to submit an annual financial statement for its most recent fiscal year.
10. Each organization that received funds should be required to conduct some form of public service (i.e., free performances, tickets to programs or events, etc.).
11. Five-year budget projections and long range plans, with an annual update, should be required as part of the application.
12. The Culture Commission should review the applications; each applicant should then make a presentation before the Culture Commission./
13. The Culture Commission should provide a recommendation to the City Council Financial Policy Committee as part of the normal budget process and schedule.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the procedure concerning approval of requests from local organizations for financial assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-151

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE POLICE ATHLETIC AND ACTIVITIES LEAGUE FOR THE LEASE OF THE FORMER DAISY TREE PROPERTY AT THE SOUTHWEST CORNER OF 11TH AND G STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Police Athletic and Activities League for the lease of the former Dairy Tree property at the southeast corner of 11th and G Streets be, and it is hereby approved.

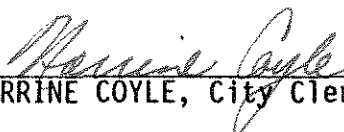
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-152

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLANNING CENTER TO PREPARE THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CITY OF MODESTO ON THE PELANDALE-SNYDER SPECIFIC PLAN, PREZONE, AND GENERAL PLAN AMENDMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Planning Center to prepare the Environmental Impact Report (EIR) for the City of Modesto on the Pelandale-Snyder Specific Plan, prezone, and General Plan amendment 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 21st day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-153

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MICHAEL FRANZIA FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE MARCH 21, 1995

WHEREAS, Michael Franzia was appointed a member of the International Friendship Committee on December 15, 1992; and

WHEREAS, Michael Franzia has tendered his resignation from the International Friendship Committee, effective March 21, 1995; and

WHEREAS, Michael Franzia 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 Michael Franzia from the International Friendship 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 Michael Franzia 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 21st day of March, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-154

A RESOLUTION ACCEPTING THE BID OF AMERICAN CHILLER SERVICES, INC. FOR CENTRE PLAZA HEATING, VENTILATION AND AIR CONDITIONING MODIFICATIONS

WHEREAS, Resolution No. 95-65, adopted by the Council of the City of Modesto on February 7, 1995, approved the plans and specifications for purchase of Centre Plaza heating, ventilation and air conditioning modifications, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase of Centre Plaza heating, ventilation and air conditioning modifications were opened at 11:00 a.m. on March 13, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of American Chiller Services, Inc. for a total cost of \$118,820, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of American Chiller Services, 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 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-155

A RESOLUTION ACCEPTING THE WATERLINE TO WATER TANK NO. 3 AND WELL 30 - CROWS LANDING TO ZEFF ROAD PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterline to water tank No. 3 and well No. 30 - Crows Landing to Zeff Road project, has been completed by Floyd Johnston Construction, in accordance with the contract agreement dated November 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the the waterline to water tank No. 3 and well No. 30 - Crows Landing to Zeff Road project, be accepted from said contractor, Floyd Johnston Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$106,914.50, 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 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-156

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, OR AS SCRAP.

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

WHEREAS, the City possesses twenty-three (23) vehicles
and thirteen (13) pieces of equipment which are set forth on the
attached Exhibit "A", which the Finance Department/Purchasing
Division has requested to be placed into surplus, as these
vehicles and equipment have been replaced, and

WHEREAS, said 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,
and

WHEREAS, if the sealed bid process nor the auction
process brings the desired results, then the property will be
sold for scrap,

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

SECTION 1. The City Manager or his authorized
representative is hereby authorized and directed to sell on a
sealed bid basis to the highest bidder the twenty-three (23)
vehicles and thirteen (13) pieces of equipment which are set

forth on the attached Exhibit "A" and which are hereby found to be surplus.

SECTION 2. The sale shall be conducted by the City Manager or by such person as he may select for this purpose.

SECTION 3. 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 October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, 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 lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Attachment "A"

Vehicles and Equipment Surplus

<u>Equipment No.</u>	<u>Description</u>
37942	1979 Ford Courier Pickup Truck
38451	1984 Nissan Pickup Truck
68119	1981 G & M Wheeled Disc
68011	1980 Dandl 3-point Flail Mower
47951	1979 IHC Packer Truck (wrecked)
47950	1979 IHC Packer Truck
38495	1984 Chevrolet 1/2-ton Pickup Truck
48075	1980 IHC Vactor Truck
--	Clark 4,000 lbs. Forklift
58950	1989 Club Car Carryall Turf Tractor
47838	1978 Hydro Sewer Cleaner
--	Kohler NG Powered generator
58169	1981 Case W-11 Loader (claw)
58101	1981 Case W-11 Loader (claw)
58247	1982 Cushman Turf Truck
57130	1971 Ford Tractor
47808	1978 Dodge Flatbed Dump Truck
77 47316	1973 IHC Chipper Truck
58459	1984 Athey Street Sweeper
47557	1975 IHC Patch Truck
47530	1975 IHC Patch Truck
19115	1991 Chevrolet Caprice Patrol Car
19108	1991 Chevrolet Caprice Patrol Car
18206	1982 Ford Escort
18969	1989 Ford Thunderbird
18955	1989 Ford Thunderbird
18965	1989 Mercury Cougar
38825	1988 Chevrolet Astro Van
18727	1987 Dodge Diplomat
18588	1985 Dodge Diplomat
--	407 2400 lbs. Methane Cylinders
--	53 Old Methane Conversion Kits
--	Containers of used Methane Equipment
19144	1991 Chevrolet Caprice Patrol Car
38983	1989 Chevrolet 1/2-ton Pickup truck
--	Remittance Processor, Burroughs

Clerk 6

MODESTO CITY COUNCIL
RESOLUTION NO. 95-157

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

Buyer

The revised specifications for the classification of Buyer (Range 428), 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. EFFECTIVE DATE. This resolution shall become effective on and after March 28, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

BUYER

DEFINITION

To perform a wide variety of professional purchasing activities in a governmental setting including the analysis and purchasing of supplies, materials complex equipment and services in order to support and enhance the delivery of governmental services; to supervise the storing, inventorying, disposal and auction of obsolete and surplus equipment and supplies.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Purchasing Officer.

May exercise functional and technical supervision over clerical, technical and management staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Receive, examine and process purchase requisitions; check for correct ordering, accounting and departmental approval information; issue purchase orders.

Purchase all inventory office supplies; MRO (maintenance, repair and operating); complex, highly sophisticated equipment and services; solicit bids and proposals from vendors; select or recommend appropriate vendors.

Research and identify new sources for use in bidding; obtain bid and price information by mail, phone, fax, computer (EDI) or direct contact with vendors; negotiate with vendors on behalf of the City; interview and correspond with vendors regarding their materials, services and products; ascertain whether vendors meet business license, insurance and other requirements of the City.

Assist in the development and achievement of division goals; assist in the development of and achievement of department goals; assist in implementing more effective procurement techniques.

Keep current on laws, regulation, ordinances, principles, practices and procedures for purchasing and application related to purchasing.

Prepare equipment, materials and services specifications and other necessary documents related to the purchase of supplies, equipment, services and materials.

EXAMPLES OF DUTIES (continued)

Make presentation to the City Council, committees and other groups as necessary.

Supervise the ordering, receiving, storing, marking, issuing and inventory of supplies through the Purchasing Division's Stores/Warehouse.

Assist in the development and preparation of instructions and forms related to purchasing and stores.

Confer with departmental representatives to determine purchasing needs; coordinate with vendors and receiving departments regarding deliveries.

Maintain and prepare periodic reports, including warehouse inventory and monthly activity report. Prepare other reports when directed by the Purchasing Officer.

Assist in the development and review of purchasing procedures and methods.

Interpret and apply City purchasing policies and procedures.

Maintain adequate inventory controls; conduct annual physical inventory.

Prepare price, quality and value comparisons in the evaluation of bids, materials, services and equipment needs.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Supervise the storing, inventorying, disposing of and accounting for the sale or disposal of goods and equipment.

Prepare Council agenda staff reports and perform complex staff analyses.

Use a word processor to create professional documents.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Purchasing procedures and negotiation techniques in a government setting.

Office and warehouse procedures and practices.

Principles of supervision, training and leadership.

Principles and practices of a central purchasing operation, including specification writing.

Materials, supplies and equipment typically used in municipal services and the sources for such products.

General laws and regulations applicable to bidding procedures and purchasing operations.

Understanding of Federal and state purchasing laws and requirements.

Storekeeping and warehousing methods and practices including inventory control procedures.

Budgeting procedures and techniques.

Modern office procedures, methods and computer equipment.

Principles and procedures of financial record keeping and reporting.

Advanced purchasing principles and techniques including multi-step procurement, life-cycle costing analysis, systems contracting and alternative procurement methods.

Management information systems including PC's and associated hardware/software.

Ability to:

Supervise the purchase of a variety of supplies, materials, services and equipment.

With input from City departments, assist with the preparation of equipment, material and service specifications.

Ability to: (Continued)

Prepare equipment and material specification.

Evaluate quality and price of products to judge suitability of goods and alternatives offered.

Prepare and administer a budget.

Develop new sources of supply.

Assist in analyzing, evaluating and modifying purchasing methods and procedures.

Supervise and train assigned staff.

Maintain accurate records and controls.

Make rapid and accurate arithmetical calculations.

Use modern office equipment and personal computers.

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

Develop good customer relation skills.

Communicate effectively, both orally and in writing.

Present a positive, professional image.

Ability to be flexible without jeopardizing the integrity of the procurement process.

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 increasingly responsible complex purchasing experience, including two years purchasing supplies and equipment, inventory stock control or warehousing experience and two years purchasing a variety of services and repair and maintenance items.

March, 1995

Experience: (Continued)

Possession of a "Purchasing Certificate" from any state chartered purchasing association or accredited college or university may be substituted for one (1) year of experience.

Training:

Equivalent to graduation from an accredited college or university with a Bachelor's degree in public or business administration, contract administration, accounting, finance, material management or a closely related field.

Certificate:

Possession of a C.P.M. (Certified Purchasing Manager) or CPPB/CPPO Certificate (Certified Public Purchasing Buyer/Certified Public Purchasing Officer) is highly desirable.

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-158

A RESOLUTION APPROVING THE REQUEST OF A & L WESTERN AGRICULTURE LABORATORIES, INC. FOR UNNECESSARY PAYMENT OF BUSINESS LICENSE TAXES

BE IT RESOLVED by the Council of the City of Modesto that the request of A & L Western Agriculture Laboratories, Inc. for unnecessary payment of business license taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-159

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL, JANIK AND NOVACK FOR PROVISION OF FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY DURING THE 1995-96 FISCAL YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball, Janik and Novack for provision of federal legislative advocacy for the City during the 1995-96 fiscal year 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 28th day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-160

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CATERING AND CONCESSIONNAIRE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CENTRE PLAZA ASSOCIATES EXTENDING INITIAL TERM FOR 60 DAYS AND MODIFYING THE PROCEDURE FOR EXERCISING THE FIRST EXTENSION OPTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the second amendment agreement to the catering and concessionnaire between the City of Modesto and Modesto Centre Plaza Associates extending initial term for 60 days and modifying the procedure for exercising the first extension option 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 28th day of March, 1995, by Councilmember Muratore , 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: Dobbs, Faiedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, McClanahan, Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-161

A RESOLUTION DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF THE PUBLIC HEALTH AND AUTHORIZING AN EMERGENCY PUBLIC WORKS PROJECT, WITHOUT COMPETITIVE BIDDING, TO STABILIZE THE DRAINAGE CHANNEL LOCATED AT THE CITY'S REMOTE POND SITE.

WHEREAS, high water in the San Joaquin River has resulted in a high flow of groundwater into the City's drainage channel at the Remote Pond Site, and

WHEREAS, the running groundwater has caused failure of the drainage channel banks adjacent to the drainage pump station, creating an immediate hazard and dangerous condition to the public health, and

WHEREAS, the failed banks have resulted in the loss of the access road to the pump station and threaten the continued operation of the drainage pump station and other treatment plant facilities, and

WHEREAS, City staff has recommended employing Conco-West, Inc., on a force account basis, in order to complete the work as soon as possible, in order to eliminate hazard to public health, and

WHEREAS, City staff has authorized the Contractor to mobilize equipment and material and to perform up to a maximum of \$20,000 of work pending Council authorization to proceed with the remainder of the work, and

WHEREAS, the current Engineer's Estimate to complete the work is approximately \$125,000, and the cost of the work will be submitted for possible reimbursement under the FEMA Disaster Relief Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby declare that an urgent necessity for the preservation of the public health and property exists and the Council does hereby authorize an emergency Public Works Project, without competitive bidding, to Conco-West, Inc., to stabilize the drainage channel located at the City's Remote Pond Site for the reasons noted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-162

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$125,000 TO FUND AN EMERGENCY PUBLIC WORKS PROJECT TO STABILIZE THE DRAINAGE CHANNEL LOCATED AT THE CITY'S REMOTE POND SITE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Lakewood Trunk Extension (622 480 D311 6040)	\$125,000
TO:	Pond site drainage channel repair (622 480 E618 6040, 6050, 6060)	\$125,000

High water in the San Joaquin River has caused failure of the City's pond site drainage channel banks. This transfer will fund an emergency project to repair the failures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-163

A RESOLUTION CREATING AN AD HOC "GRAFFITI
REPORTING REWARDS COMMITTEE".

WHEREAS, the City Council recently adopted an Anti-Graffiti Ordinance, which included a reward of \$100, or such other sum as the City Council may direct, for information leading to the arrest and conviction of any person injuring, defacing or destroying property by the application of graffiti, (Section 4-12.409 of the Modesto Municipal Code), and

WHEREAS, the City budget has not provided funding for such rewards, and

WHEREAS, in 1994, members of the Police Department met with several local business people who were enthusiastic about helping the City combat graffiti, and

WHEREAS, by a memorandum dated March 17, 1995, the Modesto Police Department set forth recommendations to the City Council relating to the formation of an ad hoc committee with the intent to establish a committee for the purpose of acting as an advisory board for graffiti reward disbursement and raising funds necessary to maintain a positive cash balance for this purpose, a copy of said memo is on file in the office of the City Clerk, and

WHEREAS, the City Council desires to establish an ad hoc committee as recommended by the Police Department,

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

SECTION 1. The Council does hereby establish an ad hoc committee to be known as the "Graffiti Reporting Rewards Committee".

SECTION 2. Said committee shall consist of seven members who shall be appointed by the Chief of Police. The initial membership of the committee shall consist of the citizens whose names are set forth on Exhibit "A", attached hereto.

SECTION 3. Said committee shall act as an advisory board for graffiti reward disbursement and to raise funds necessary to maintain a positive cash balance for the purpose of providing rewards for information leading to the arrest and conviction of any person injuring, defacing or destroying property by the application of graffiti.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

GRAFFITI REPORTING REWARDS COMMITTEE

<u>MEMBER</u>	<u>PHONE NUMBER</u>
Chairperson William SEAVY Chief Executive Officer Modesto Chamber of Commerce P. O. Box 844 Modesto, CA 95353	577-5757
Maree HAWKINS, Public Affairs Specialist Modesto Irrigation District P. O. Box 4060 Modesto, CA 95354	526-7392
Scott OUSDAHL, Director Facilities and Construction Modesto City Schools 426 Locust Street Modesto, CA 95351	576-4143
Barry HICKERSON, Paramedic 2508 Walnut Park Drive Modesto, CA 95355	551-9757
Wayne HENRY Modesto Jack Frost Ice Co. (Owner) 711 Eighth Street Modesto, CA 95351	524-3128
Gary CORREIA Modesto Printing Company (Owner) P.O. Box 3084 Modesto, CA 95354	524-7231
Malissa SOUSA, Realtor Remax of Modesto 3425 Coffee Road, Suite 2-C Modesto, CA 95355	575-0231
Sandy HOLT, Secretary Doug RIDENOUR, Detective Investigative Services Division Modesto Police Department P.O. Box 1814 Modesto, CA 95353	572-9599 572-9544

MODESTO CITY COUNCIL
RESOLUTION NO. 95-164

A RESOLUTION ACCEPTING THE WATER CAPITAL IMPROVEMENTS PROJECT - FOUR ALLEYS (FAIRMONT - MAGNOLIA) AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the water capital improvements project (Fairmont - Magnolia), has been completed by Ksenco Construction, in accordance with the contract agreement dated August 10, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the water capital improvements project (Fairmont - Magnolia), be accepted from said contractor, Ksenco Construction; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$150,663.26, 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 4th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-165

A RESOLUTION ACCEPTING THE LATERAL NO. 6 WATERLINE PROJECT - PRESCOTT ROAD TO CARVER ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Lateral No. 6 waterline project - Prescott Road to Carver Road, has been completed by B. G. Pipeline, Inc., in accordance with the contract agreement dated August 16, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Lateral No. 6 waterline project - Prescott Road to Carver Road, be accepted from said contractor, B. G. Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$110,062, 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 4th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-166

A RESOLUTION ACCEPTING THE DOWNTOWN TRANSPORTATION CENTER PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Downtown Transportation Center, has been completed by Titan Structures, Inc., in accordance with the contract agreement dated August 25, 1992.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Downtown Transportation Center project be accepted from said contractor, Titan Structures, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$2,447,513.50, 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 4th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-167

A RESOLUTION APPOINTING HONOR DENNEY 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Honor Denney is hereby appointed to the Community Qualities Forum, term to expire 12/31/97.

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 4th day of April, 1995, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-168

A RESOLUTION DENYING THE APPEAL OF RONALD AND JANICE M. HENRY TO A DECISION OF THE HOUSING REHABILITATION LOAN COMMITTEE DENYING AN APPLICATION FOR A REHABILITATION LOAN FOR PROPERTY LOCATED AT 522 SIERRA DRIVE IN TARGET AREA THREE.

WHEREAS, on February 15, 1995, the Housing Rehabilitation Loan Committee denied a loan request in the amount of \$10,835 to Ronald and Janice Henry, owners of property at 522 Sierra Drive, which property is located in Target Area Three, and

WHEREAS, the denial of the loan application was based on the fact that the requested loan amount exceeded the program's established Loan-to-Value limits of 80% for investor/owners, and

WHEREAS, by letter dated March 9, 1995, which was stamped received by the City Clerk's Office on March 13, 1995, an appeal to the decision of the Housing Rehabilitation Loan Committee denying an application for a rehabilitation loan for a house located at 522 Sierra Drive, in Target Area Three, was filed by Ronald and Janice Henry, and

WHEREAS, said appeal to the decision of the Housing Rehabilitation Loan Committee was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, to be held on April 11, 1995, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal

of Ronald and Janice Henry to the decision of the Housing Rehabilitation Loan Committee should be denied and the decision of the Housing Rehabilitation Loan Committee should be affirmed for the following reason:

Current City loan guidelines limit loans to investor/owners to no more than 80% of the after rehabilitation value, including existing encumbrances. The denial of the loan application is consistent with those guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Ronald and Janice Henry, owners of property at 522 Sierra Drive, which property is located in Target Area Three, to a decision of the Housing Rehabilitation Loan Committee denying an application for a loan request in the amount of \$10,835, is hereby denied for the reason set forth above and the decision of the Housing Rehabilitation Loan Committee is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-169

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(508). (NORMAN
E. WILSON AIA)

WHEREAS, a verified application for an amendment to
Section 21-3-9 of the Zoning Map was filed by Norman E. Wilson,
AIA on January 23, 1995, to reclassify from Low Density
Residential Zone, R-1, to Planned Development Zone, P-D, to allow
a professional office building and off-street parking area,
property located on the southeast corner of East Orangeburg and
Fiori Avenues, described as follows:

R-1 to P-D(508)

ALL that certain real property situate in a portion of
the Northwest quarter of Section 21, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follows:

Being a portion of Lot 28 of the Mensinger Colony as
shown on that certain official map filed in the office
of the Recorder of Stanislaus County, California, on
May 18, 1909, in Volume 4 of Maps, at Page 25, and more
specifically described as follows:

Commencing at the Northwest corner of said Lot 28, also
being the point of intersection of the center lines of
80.00-foot wide East Orangeburg Avenue and original
40.00-foot wide Fiori Avenue; thence along the north
line of said Lot 28 and center line of East Orangeburg
Avenue, East 133.33 feet; thence leaving said center
line, South 131.11 feet; thence West 133.33 feet to the
center line of said Fiori Avenue; thence North 131.11
feet to the northwest corner of said Lot 28 and the
point of commencement of this description.

and

WHEREAS, after a public hearing held on March 20, 1995,
in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 95-08, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone is in conformance with the General Plan and will allow a medical/professional office development in a manner guided by the East McHenry Avenue Zoning and Development Policy.
2. Conditions of approval of the planned development zone will ensure compatibility of the office development with adjacent interim residential uses.
3. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated February 15, 1995, should be certified as adopted.

and

WHEREAS, after a public hearing held on April 11, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Norman E. Wilson, AIA 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. 95-08 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2944 -C.S. on the 11th day of April, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(508).

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(508), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Optometry Office for: Doctors Portillo and Portillo" as amended in red, stamped approved by the City Council on April 11, 1995.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The 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-foot-high wood fence along the south property line. That portion of the fence adjacent to the off-street parking lot area shall be solid with double-sided, alternating boards.
 - b. At the time of development of the property to the south, the applicant shall remove fencing along the south property line to accommodate the required vehicular access and driveway connection between the two properties.
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 issuance of a building permit the developer shall dedicate a six-foot planting easement along Fiori Avenue as required by the Parks and Recreation Department.
6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
7. Trash cans shall be screened from view from any public street.
8. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for

on-site traffic circulation for the benefit of the property to the south, substantially as shown in red on the plot plan.

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. 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 Public Works and Transportation Director.
11. All signs shall comply with the sign requirements of the P-O Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(508):

The entire construction program be accomplished in one phase, construction to begin on or before March 20, 1997, and completion to be not later than March 20, 1998.

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 X 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(508), becomes effective.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Community Development Department
Development Services

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-170

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(508). (NORMAN E. WILSON AIA)

WHEREAS, on February 15, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(508), property located on the southeast corner of East Orangeburg and Fiori Avenues might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environmental and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-171

A RESOLUTION ACCEPTING THE BID OF COMMUNITY PLAYGROUNDS FOR THE
INSTALLATION OF PLAY APPARATUS AT AQUEDUCT PARK, FLOYD PARK, MILDRED
PERKINS PARK AND RIVERSIDE PARK

WHEREAS, bids for installation of play apparatus at Aqueduct Park,
Floyd Park, Mildred Perkins Park and Riverside Park were opened on March
21, 1995, and tabulated by the Director of Public Works and
Transportation for the consieration of the Council; and

WHEREAS, the Director of Public Works and Transportation has
recommended that the bid of Community Playgrounds in the amount of
\$170,831.03, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Community Playgrounds 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 April, 1995,
by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-172

A RESOLUTION AUTHORIZING AN INCREASE IN SCOPE OF WORK TO THE CLAUS ROAD WIDENING PROJECT AND CHANGE ORDER TO PROVIDE STREET LIGHTING BETWEEN THE CLAUS ROAD BRIDGE AND THE JOHANSEN HIGH SCHOOL CAMPUS

WHEREAS, George Reed, Inc., is the prime contractor on the Claus Road widening project, which consists of widening Claus Road to four lanes between the bridge over Dry Creek and Johansen High School; and

WHEREAS, because of recent citizen input, staff has reevaluated the scope of this project and recommends adding street lighting based on the high amount of pedestrian traffic in the area.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in the scope of work to the Claus road widening project and approves a change order to provide street lighting between the Claus Road Bridge and the Johansen High School campus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-173

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$35,000 TO FUND STREET LIGHTING TO THE CLAUS ROAD WIDENING PROJECT BETWEEN THE CLAUS ROAD BRIDGE AND THE JOHANSEN HIGH SCHOOL CAMPUS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Claus Road bridge - widen roadway \$35,000
(141 430 0662 6050)

TO: Claus Road - lat. No. 2 to Gomes \$35,000
(141 430 D268 6050)

Transfer of these funds would increase the scope of the Claus Road widening project to include street lighting between the Claus Road bridge and the Johansen High School campus to enhance pedestrian and vehicular safety in the area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-174

A RESOLUTION SUPPORTING A PARTNERSHIP WITH THE YOSEMITE COMMUNITY COLLEGE DISTRICT TO IMPROVE BLUE GUM AVENUE IN FRONT OF MODESTO JUNIOR COLLEGE WEST CAMPUS

WHEREAS, staff members of the City and Yosemite Community College District have been meeting to discuss opportunities to improve Blue Gum Avenue in front of the MJC West Campus involving installation of curb, gutter and sidewalk along the front of the campus from Carpenter Road to the YCCD westerly property line, improving Blue Gum to major street standards, traffic signal modifications at Blue Gum and Carpenter and installing a dedicated right turn only lane from southbound Carpenter to westbound Blue Gum; and


WHEREAS the Yosemite Community College District has requested the Council officially indicate their support of this project via resolution for presentation to the YCCD Board of Directors and State agencies who are supplying grant funds for a portion of the project; and

WHEREAS, Yosemite Community College District will be the lead agency on this project and will develop a cooperative agreement that will be presented to Council at a later date detailing each agency's responsibility, with construction to occur in the summer of 1995.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it does hereby support a partnership with the Yosemite Community College District to improve Bue Gum Avenue in front of Modesto Junior college West Campus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-175

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$10,000 TO FUND THE BLUE GUM AVENUE IMPROVEMENT PROJECT AT MODESTO JUNIOR COLLEGE WEST CAMPUS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Scenic Drive Widening (070 430 B912 6060)	\$10,000
TO:	Blue Gum Avenue at MJC (070 430 6010)	\$10,000

The Scenic Drive widening, East of Coffee road to Rose Avenue (South side) account is currently funded by a transfer from Fund 051 - Local Transportation Funds. This transfer will now be shifted to support the Blue Gum Avenue widening project at MJC West Campus. Funds are needed for preliminary engineering work prior to construction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-176

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ROBERT M. DUNBAR FROM THE PLANNING COMMISSION, EFFECTIVE April 11, 1995

WHEREAS, Robert Dunbar was appointed a member of the Planning Commission on February 23, 1988; and

WHEREAS, Robert Dunbar has tendered his resignation from the Planning Commission, effective April 11, 1995; and


WHEREAS, Robert Dunbar 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 Robert Dunbar 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 Robert Dunbar 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 11th day of April, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-177

A RESOLUTION APPOINTING PAUL VENTIMIGLIA TO THE LANDMARK PRESERVATION
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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Paul Ventimiglia is hereby appointed to the Landmark
Preservation Commission, term to expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member 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 11h day of April, 1995,
by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-178

A RESOLUTION APPOINTING FRANCINA CALL, PATRICIA GARCIA, AND BEN WILLIAMS TO THE AIRPORT DISTRICT NEIGHBORHOOD 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Francina Call, Patricia Garcia, and Ben Williams are hereby appointed to the Airport District Neighborhood Advisory Committee, terms to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Airport District Neighborhood 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 11h day of April, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-179

A RESOLUTION APPOINTING SHAWN GRAY AND WILLIAM STEVENS TO THE HIGHWAY
VILLAGE NEIGHBORHOOD 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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Shawn Gray and William Stevens are hereby appointed to
the Highway Village Neighborhood Advisory Committee, terms to expire
1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed members of the Highway Village
Neighborhood 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 11h day of April, 1995,
by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-180

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF ONE ENGINEERING DOCUMENT READER/PRINTER

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

SECTION 1. The specifications for the purchase of one engineering document reader/printer, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 8, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-181

A RESOLUTION ACCEPTING THE HIGBEE STREET LIGHT CIRCUIT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Higbee Street light circuit project, has been completed by Utility Service and Electric Inc., in accordance with the contract agreement dated June 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Higbee Street light circuit project be accepted from said contractor, Utility Service and Electric, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$99,425, 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 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: _____
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-182

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$6,500 TO FUND
ADDITIONAL THE HIGBEE STREET LIGHT CIRCUIT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM:	Street Lights - Various (070 160 E466 6040)	\$6,500
TO:	Replace Higbee circuit (070 160 D285 6060)	\$6,500

As a result of an extended construction schedule due to the wet
winter and field changes made to accommodate property owners,
additional costs were incurred which were not anticipated under
the original budget.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 18th day of April, 1995,
by Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-183

A RESOLUTION ACCEPTING THE ROSEMORE AVENUE WATERLINE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Rosemore Avenue waterline project, has been completed by Mid Cal Pipeline and Utilities, in accordance with the contract agreement dated December 20, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Rosemore Avenue waterline project be accepted from said contractor, Mid Cal Pipeline and Utilities; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$43,087, 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 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-184

A RESOLUTION ACCEPTING THE EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated October 26, 1993.

NOW, THEREFORE, BE IT RESOLVED that the contract for the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$226,314.82, 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 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-184A

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$3,500 TO FUND COMPLETION OF THE EL VECINO AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4 BRIDGE REPLACEMENT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Scenic Drive Widening \$3,500
 (070 430 B912 6050)

TO: El Vecino at Lat. 4 bridge \$3,500
 (070 430 0927 6060)

Additional staff time was necessary to expedite and analyze the construction schedule, and to assist and monitor the contractor's prevailing wage efforts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-185

A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC WORKS AND TRANSPORTATION TO SIGN RIGHT OF WAY CERTIFICATIONS FOR FEDERALLY FUNDED STREET MAINTENANCE AND TRANSPORTATION RELATED PROJECTS.

WHEREAS, the City of Modesto annually performs street maintenance and transportation related projects using Federal funds, and

WHEREAS, prior to advertising projects for construction, the City is required to make a certification to the State of California that the right of way has been acquired for the proposed project, and

WHEREAS, in the past, this certification process has entailed placing an item on the City Council agenda for approval and authorizing the City Manager or his designee to make the required certification, and

WHEREAS, City staff has proposed that rather than requiring Council approval and authorizing the City Manager or his designee to sign certifications, that instead the Director of Public Works and Transportation should be authorized to sign Right of Way Certifications, thereby decreasing the number of "routine" Council agenda items and streamlining the process for advertising Federally funded projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that to streamline the process for advertising

Federally funded projects, the Director of Public Works and Transportation is hereby authorized to sign Right of Way Certifications, setting forth the status of the right of way acquisition for Federally funded street maintenance and transportation related projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Disaster Number 1046
Federal PA Number 099-48354

MODESTO CITY COUNCIL
RESOLUTION NO. 95-186

A RESOLUTION AUTHORIZING DESIGNATED CITY STAFF TO SIGN NECESSARY AND REQUIRED DOCUMENTS FOR THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) FOR THE PURPOSE OF FILING CLAIMS FOR REIMBURSEMENT DUE TO WINTER STORM 95.

WHEREAS, in order for the City to file claims for the purpose of obtaining certain Financial Federal Assistance from The Federal Emergency Management Administration (FEMA) and the California Office Of Emergency Services (OES), for reimbursement due to rain/wind and floods occurring in 1995, the City Council by resolution must authorize designated City staff to execute necessary and required documents for and in behalf of the City of Modesto,

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

<u>J. Edward Tewes</u>	,	<u>City Manager</u>
	OR	
<u>Paul Baxter</u>	,	<u>Deputy City Manager</u>
	OR	
<u>Kevin Riper</u>	,	<u>Finance Director</u>
	OR	
<u>Jim Pregler</u>	,	<u>Purchasing Officer</u>

are hereby authorized to execute for and in behalf of the City of Modesto, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal

financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the Natural Disaster Assistance Act for the rain, wind and floods which occurred in February/March of 1995, and

BE IT FURTHER RESOLVED that the City of Modesto, a public entity established under the laws of the State of California, hereby authorizes its agent to provide to the State Office of emergency services for all matters pertaining to such state disaster assistance the assurances and agreements required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CERTIFICATION

I, Norrine Coyle, duly appointed and City Clerk of the City of Modesto, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the City Council of the City of Modesto on the 18th day of April, 1995.

Date: April 20, 1995.



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-187

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CITY TO TAKE OVER THE SIGNAL TIMING FOR THE SIGNALS ON STATE ROUTES IN MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and and Caltrans for the City to take over the signal timing for the signals on State routes in Modesto 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 18th day of April, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-188

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF THREE NEW SETS OF OVERHEAD LUBE REAL SYSTEMS FOR THE FLEET SERVICES DIVISION OF PUBLIC WORKS AND TRANSPORTATION

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

SECTION 1. The specifications for the purchase of three new sets of overhead lube real systems for the Fleet Services Division of Public Works and Transportation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 16, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 25th day of April, 1995, by Councilmember ^{McClanahan}, 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-189

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING FORTY-FOUR NEW UTILITY VEHICLES FOR THE FLEET SERVICES DIVISION OF PUBLIC WORKS AND TRANSPORTATION

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

SECTION 1. The specifications for the purchase of forty-four new utility vehicles for the Fleet Services Division of Public Works and Transportation, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 16, 1995, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 25th day of April, 1995, by Councilmember ^{McClanahan}, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-190

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING GROUNDS MAINTENANCE EQUIPMENT TO BE USED BY PARKS AND RECREATION DEPARTMENT FOR GROUNDS MAINTENANCE AT THE GOLF COURSES, JOHN THURMAN FIELD AND AT VARIOUS PARK SITES

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

SECTION 1. The specifications for the purchase of grounds maintenance equipment to be used by Parks and Recreation Department for grounds maintenance at the golf courses, John Thurman Field and at various park sites, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 16, 1995, at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 25th day of April, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-191

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE CLAUS ROAD WATERLINE - BRIGGSMORE AVENUE TO SYLVAN AVENUE PROJECT

WHEREAS, a Notice to Contractors for the Claus Road waterline-Briggsmore Avenue to Sylvan Avenue project, was published in the Modesto Bee on March 31, 1995, authorizing the calling for bids; and

WHEREAS, the bids received for the Claus Road waterline-Briggsmore Avenue to Sylvan Avenue, were opened at 11:05 a.m. on April 11, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction, for a total cost of \$624,268.50, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rolfe 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 25th day of March, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-192

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR THE DESANDER
INSTALLATION PROJECT AT WELLS 1, 3, 8, 10, 17, 18, 22 AND 29

WHEREAS, a Notice to Contractors for the desander installation
project at Wells 1, 3, 8, 10, 17, 18, 22 and 29, was published in the
Modesto Bee on March 25, 1995, authorizing the calling for bids; and

WHEREAS, the bids received for the desander installation project
at Wells 1, 3, 8, 10, 17, 18, 22 and 29, were opened at 11:00 a.m. on
April 11, 1995, and later tabulated by the Director of Public Works and
Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has
recommended that the bid of Howk Systems, for a total cost of
\$306,230, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Howk Systems 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 March, 1995,
by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting CityClerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-193

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$357,682 TO FUND COMPLETION OF THE DESANDER INSTALLATION PROJECT AT WELLS 1, 3, 8, 10, 17, 18, 22 AND 29

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Sand Separator	\$357,682
TO: Desander Installation (612 480 C187)	\$357,682

These funds are needed to complete the desander installation project at Wells 1, 3, 8, 10, 17, 18, 22, 29.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City
Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-194

A RESOLUTION ACCEPTING THE BID OF MOODY CONSTRUCTION FOR THE RIP RAP REPAIR PROJECT AT THE STORAGE PONDS ON JENNINGS ROAD

WHEREAS, a Notice to Contractors for the rip rap repair project at the storage ponds on Jennings Road, was published in the Modesto Bee on March 18, 1995, authorizing the calling for bids; and

WHEREAS, the bids received for the rip rap repair project at the storage ponds on Jennings Road, were opened at 11:00 a.m. on April 11, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Moody Construction, for a total cost of \$49,000, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Moody 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 25th day of March, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-195

A RESOLUTION ACCEPTING THE GENERAL AVIATION AREA WATER SYSTEM UPGRADE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the General Aviation Area water system upgrade project, has been completed by Allen A. Waggoner Construction, Inc., in accordance with the contract agreement dated November 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the General Aviation Area water system upgrade project be accepted from said contractor, Allen A. Waggoner Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$158,479.77, 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 April, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-196

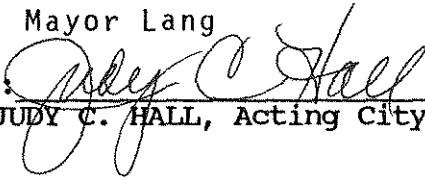
A RESOLUTION ACCEPTING THE ELECTRICAL DIVISION SHOP MODIFICATION PROJECT
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Electrical Division Shop modification project, has been completed by Conco-West, Inc., in accordance with the contract agreement dated January 3, 1995.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Electrical Division Shop modification project be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$28,050, 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 April, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-197

A RESOLUTION AMENDING THE ANNUAL BUDGET OF
THE CITY OF MODESTO FOR THE THIRD QUARTER OF
FISCAL YEAR 1994-95.

WHEREAS, after third quarter financial analysis has
been completed, it has been determined that certain adjustments
are required to the Annual Budget of the City of Modesto for the
Fiscal Year 1994-95.

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the changes listed in Schedule "A" be made
to the Annual Budget of the City of Modesto for Fiscal Year
1994-95.

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 April, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE A

	FY	FD	AGY	ORGN	OBJT/ REV	AMOUNT	TOTAL BY FUND
EXPENSE	95	010	140	1401	0235	68,715	
EXPENSE	95	010	190	1921	5151	8,000	
EXPENSE-TRANSFER OUT	95	010	700	7000	7130	600,000	
EXPENSE-TRANSFER OUT	95	010	701	7001	7132	20,300	
EXPENSE-RESERVE	95	010	800	8000	8003	(20,300)	
EXPENSE-RESERVE	95	010	800	8000	8003	(384,296)	
EXPENSE-RESERVE	95	010	800	8000	8003	(22,661)	
EXPENSE-RESERVE	95	010	800	8000	8003	16,000	
REVENUE	95	010	120	1222	4091	(32,977)	
REVENUE	95	010	140	1401	4001	30,000	
REVENUE	95	010	140	1401	4003	10,000	
REVENUE	95	010	140	1401	4007	30,000	
REVENUE	95	010	140	1401	4008	6,000	
REVENUE	95	010	140	1401	8155	68,715	
REVENUE	95	010	140	1405	2214	460	
REVENUE	95	010	180	1832	4029	15,000	
REVENUE	95	010	180	1832	4042	15,000	
REVENUE	95	010	180	1832	4044	1,500	
REVENUE	95	010	190	1901	2204	5,000	
REVENUE	95	010	190	1901	4045	4,000	
REVENUE	95	010	190	1921	2101	(3,350)	
REVENUE	95	010	190	1921	3128	(122,854)	
REVENUE	95	010	190	1921	4024	(1,400)	
REVENUE	95	010	190	1921	4026	8,000	
REVENUE	95	010	190	1921	4030	1,500	
REVENUE	95	010	190	1941	3312	1,950	
REVENUE	95	010	190	1941	3507	(50,000)	
REVENUE	95	010	190	1941	4021	(1,000)	
REVENUE	95	010	190	1961	3118	16,314	
REVENUE	95	010	190	1961	3172	60,000	
REVENUE	95	010	190	1961	4020	1,500	
REVENUE	95	010	190	1961	4025	(1,225)	
REVENUE	95	010	190	1961	4029	20,000	
REVENUE	95	010	190	1961	4043	22,000	
REVENUE	95	010	190	1961	7202	(27,100)	
REVENUE	95	010	190	1961	8107	(10,000)	
REVENUE	95	010	190	1964	2104	(18,755)	
REVENUE	95	010	190	1964	4022	400	
REVENUE	95	010	300	3001	3134	(86,710)	
REVENUE	95	010	310	3112	4064	19,000	
REVENUE	95	010	310	3112	4066	13,300	
REVENUE	95	010	320	3212	4070	(10,900)	
REVENUE	95	010	370	3712	4068	11,000	
REVENUE	95	010	420	4212	4011	(10,000)	
REVENUE	95	010	420	4212	4085	808	
REVENUE	95	010	440	4412	4007	15,000	
REVENUE	95	010	510	9510	1201	148,194	
REVENUE	95	010	510	9510	1202	(350,000)	
REVENUE	95	010	510	9510	1204	116,000	
REVENUE	95	010	510	9510	1305	17,000	

SCHEDULE A

	FY	FD	AGY	ORGN	OBJT/ REV	AMOUNT	TOTAL BY FUND
REVENUE	95	010	510	9510	1404	54,701	
REVENUE	95	010	510	9510	3119	(100,000)	
REVENUE	95	010	510	9510	4088	12,500	
REVENUE	95	010	510	9510	4091	14,250	
REVENUE	95	010	510	9510	4092	10,100	
REVENUE	95	010	510	9510	6101	355,314	
REVENUE	95	010	510	9510	6225	(14,400)	
REVENUE	95	010	510	9510	7101	(5,000)	
REVENUE	95	010	510	9510	7113	(10,000)	
REVENUE	95	010	510	9510	8107	(10,934)	
REVENUE	95	010	510	9510	8143	5,000	
REVENUE	95	010	510	9510	8155	13,000	
REVENUE-TRANSFER IN	95	010	700	7000	9113	24,100	
REVENUE-TRANSFER IN	95	010	700	7000	9651	28,418	
REVENUE-TRANSFER IN	95	010	701	7001	9660	(22,661)	0
EXPENSE-RESERVE	95	051	800	8000	8003	10,879	
REVENUE	95	051	510	9510	6101	10,879	0
EXPENSE-RESERVE	95	052	800	8000	8003	5,907	
REVENUE	95	052	510	9510	6101	5,907	0
EXPENSE-RESERVE	95	070	800	8000	8003	82,566	
REVENUE	95	070	510	9510	6101	82,566	0
EXPENSE-RESERVE	95	080	800	8000	8003	12,849	
REVENUE	95	080	510	9510	6101	12,849	0
EXPENSE-RESERVE	95	090	800	8000	8003	5,479	
REVENUE	95	090	510	9510	6101	5,479	0
EXPENSE	95	113	140	1452	0202	(700)	
EXPENSE	95	113	140	1452	0218	(500)	
EXPENSE	95	113	140	1452	0220	(800)	
EXPENSE	95	113	140	1452	0223	(500)	
EXPENSE	95	113	140	1452	0306	(500)	
EXPENSE	95	113	140	1452	0308	(200)	
EXPENSE	95	113	140	1452	5883	(1,000)	
EXPENSE	95	113	140	1454	0202	(250)	
EXPENSE	95	113	140	1454	0217	(500)	
EXPENSE	95	113	140	1454	0235	(1,000)	
EXPENSE	95	113	140	1455	0217	(500)	
EXPENSE	95	113	140	1455	0235	(500)	
EXPENSE	95	113	140	1456	0207	(300)	
EXPENSE	95	113	140	1456	0208	(500)	
EXPENSE	95	113	140	1456	0209	(400)	
EXPENSE	95	113	140	1456	0217	(500)	
EXPENSE	95	113	140	1456	0223	(500)	
EXPENSE	95	113	140	1456	0235	(10,000)	
EXPENSE	95	113	140	1457	0202	(200)	

SCHEDULE A

	FY	FD	AGY	ORGN	OBJT/ REV	AMOUNT	TOTAL BY FUND
EXPENSE	95	113	140	1457	0207	(550)	
EXPENSE	95	113	140	1457	0208	(200)	
EXPENSE	95	113	140	1457	0217	(500)	
EXPENSE	95	113	140	1457	0230	(1,000)	
EXPENSE	95	113	140	1457	0235	(2,500)	
EXPENSE	95	113	140	1457	0497	37,000	
EXPENSE-TRANSFER OUT	95	113	700	7000	7010	24,100	
EXPENSE-RESERVE	95	113	800	8000	8003	915	
REVENUE	95	113	140	1456	6101	915	
REVENUE	95	113	140	1457	3513	37,000	0
EXPENSE-RESERVE	95	115	800	8000	8003	17,249	
REVENUE	95	115	140	1466	6101	17,249	0
EXPENSE	95	116	140	1467	0497	(74,000)	
EXPENSE-RESERVE	95	116	800	8000	8003	37,000	
EXPENSE-RESERVE	95	116	800	8000	8003	7,631	
REVENUE	95	116	140	1467	3513	(37,000)	
REVENUE	95	116	140	1467	6101	7,631	0
EXPENSE-RESERVE	95	130	800	8000	8003	615,227	
REVENUE-TRANSFER IN	95	130	700	7000	9010	600,000	
REVENUE	95	130	510	9510	6101	15,227	0
EXPENSE-RESERVE	95	131	800	8000	8003	40,400	
REVENUE	95	131	190		6101	40,400	0
EXPENSE-RESERVE	95	132	800	8000	8003	20,300	
REVENUE-TRANSFER IN	95	132	701	7001	9010	20,300	0
EXPENSE-TRANSFER OUT	95	133	700	7000	7141	250,661	
EXPENSE-RESERVE	95	133	800	8000	8003	(250,661)	0
EXPENSE-TRANSFER OUT	95	134	700	7000	7141	11	
EXPENSE-RESERVE	95	134	800	8000	8003	(11)	0
EXPENSE-RESERVE	95	135	800	8000	8003	77,822	
REVENUE	95	135	310		6101	77,822	0
EXPENSE-TRANSFER OUT	95	136	700	7000	7141	27,157	
EXPENSE-RESERVE	95	136	800	8000	8003	(27,157)	0
EXPENSE-RESERVE	95	138	800	8000	8003	28,779	
REVENUE	95	138	490		6101	28,779	0
EXPENSE-RESERVE	95	139	800	8000	8003	2,858	
REVENUE	95	139	120		6101	2,858	0
EXPENSE-RESERVE	95	141	800	8000	8003	480,299	
REVENUE	95	141	430		6101	202,470	
REVENUE-TRANSFER IN	95	141	700	7000	9133	250,661	

SCHEDULE A

	FY	FD	AGY	ORGN	OBJT/ REV	AMOUNT	TOTAL BY FUND
REVENUE-TRANSFER IN	95	141	700	7000	9134	11	
REVENUE-TRANSFER IN	95	141	700	7000	9136	27,157	0
EXPENSE-RESERVE	95	142	800	8000	8003	5,489	
REVENUE	95	142	160		6101	5,489	0
EXPENSE-RESERVE	95	143	800	8000	8003	9,127	
REVENUE	95	143	430		6101	9,127	0
EXPENSE-RESERVE	95	170	800	8000	8003	2,100	
REVENUE	95	170	510	9510	6101	2,100	0
EXPENSE-RESERVE	95	180	800	8000	8003	389	
REVENUE	95	180	510	9510	6101	389	0
EXPENSE-RESERVE	95	190	800	8000	8003	146	
REVENUE	95	190	510	9510	6101	146	0
EXPENSE-RESERVE	95	610	800	8000	8003	(1,431,457)	
REVENUE	95	610	510	9510	4201	(1,219,823)	
REVENUE	95	610	510	9510	4202	(133,348)	
REVENUE	95	610	510	9510	4203	(7,780)	
REVENUE	95	610	510	9510	4204	28,500	
REVENUE	95	610	510	9510	4250	(50,000)	
REVENUE	95	610	510	9510	6101	(55,342)	
REVENUE	95	610	510	9510	6201	950	
REVENUE	95	610	510	9510	8122	5,386	0
EXPENSE-RESERVE	95	611	800	8000	8003	228,550	
REVENUE	95	611	480	5013	6101	228,550	0
EXPENSE-RESERVE	95	612	800	8000	8003	340,000	
REVENUE	95	612	510	9510	6101	340,000	0
EXPENSE-RESERVE	95	621	800	8000	8003	1,275,063	
REVENUE	95	621	510	9510	4204	21,000	
REVENUE	95	621	510	9510	4301	(102,855)	
REVENUE	95	621	510	9510	4304	209,150	
REVENUE	95	621	510	9510	4307	28,445	
REVENUE	95	621	510	9510	4310	43,095	
REVENUE	95	621	510	9510	4313	735,365	
REVENUE	95	621	510	9510	4351	(5,000)	
REVENUE	95	621	510	9510	6101	348,113	
REVENUE	95	621	510	9510	6201	(2,250)	0
EXPENSE-RESERVE	95	622	800	8000	8003	852	
REVENUE	95	622	510	9510	6101	852	0
EXPENSE-RESERVE	95	628	800	8000	8003	598,552	
REVENUE	95	628	480	5312	4203	(350)	

SCHEDULE A

	FY	FD	AGY	ORGN	OBJT/ REV	AMOUNT	TOTAL BY FUND
REVENUE	95	628	480	5312	4370	445,700	
REVENUE	95	628	480	5312	6101	99,693	
REVENUE	95	628	480	5312	8155	53,509	0
EXPENSE	95	631	480	5412	0110	(33,412)	
EXPENSE-RESERVE	95	631	800	8000	8003	32,012	
EXPENSE-RESERVE	95	631	800	8000	8003	1,400	0
EXPENSE	MY	632	480	E496	6010	(17,652)	
EXPENSE	MY	632	480	E496	6040	(194,000)	
EXPENSE	MY	632	480	E496	6060	(18,000)	
EXPENSE-RESERVE	95	632	800	8000	8003	(1,400)	
EXPENSE-RESERVE	95	632	800	8000	8003	52	
REVENUE	95	632	510	9510	8301	(231,000)	0
EXPENSE-TRANSFER OUT	95	651	700	7000	7010	28,418	
EXPENSE-RESERVE	95	651	800	8000	8003	(28,418)	0
EXPENSE	95	660	330	3311	0206	(5,000)	
EXPENSE	95	660	330	3312	0310	(2,250)	
EXPENSE	95	660	330	3313	0110	(36,550)	
EXPENSE	95	660	330	3313	0310	(10,500)	
EXPENSE	95	660	330	3314	0110	(30,000)	
EXPENSE	95	660	330	3314	0310	(30,000)	
EXPENSE-TRANSFER OUT	95	660	701	7001	7010	(22,661)	
EXPENSE-RESERVE	95	660	800	8000	8003	(194,854)	
REVENUE	95	660	330	3312	4076	(66,363)	
REVENUE	95	660	330	3313	4076	(132,726)	
REVENUE	95	660	330	3314	4076	(132,726)	0
EXPENSE	95	670	340	3412	0140	(7,741)	
EXPENSE	95	670	340	3413	0140	(17,020)	
EXPENSE-RESERVE	95	670	800	8000	8003	(3,790)	
REVENUE	95	670	340	3412	4081	1,160	
REVENUE	95	670	340	3412	4082	9,579	
REVENUE	95	670	340	3412	6218	(16,555)	
REVENUE	95	670	340	3412	8123	4,265	
REVENUE	95	670	340	3413	4080	(27,000)	0
EXPENSE-RESERVE	95	732	800	8000	8003	139,130	
REVENUE	95	732	030	6610	6101	139,130	0
EXPENSE-RESERVE	95	733	800	8000	8003	(17,567)	
REVENUE	95	733	030	6611	6101	(17,567)	0
EXPENSE-RESERVE	95	734	800	8000	8003	8,582	
REVENUE	95	734	030	6612	6101	8,582	0
EXPENSE-RESERVE	95	735	800	8000	8003	7,588	
REVENUE	95	735	030	6614	6101	7,588	0

SCHEDULE A

	FY	FD	AGY	ORGN	OBJT/ REV	AMOUNT	TOTAL BY FUND
EXPENSE-RESERVE	95	736	800	8000	8003	12,650	
REVENUE	95	736	030	6613	6101	12,650	0
EXPENSE-RESERVE	95	737	800	8000	8003	2,936	
REVENUE	95	737	030	6615	6101	2,936	0
EXPENSE-RESERVE	95	738	800	8000	8003	5,419	
REVENUE	95	738	030	6616	6101	5,419	0
EXPENSE-RESERVE	95	739	800	8000	8003	767	
REVENUE	95	739	030	6619	6101	767	0
EXPENSE-RESERVE	95	751	800	8000	8003	219,397	
REVENUE	95	751	030	6650	6101	219,397	0
EXPENSE-RESERVE	95	885	800	8000	8003	72,216	
REVENUE	95	885	190	1970	6101	72,216	0
EXPENSE-RESERVE	95	890	800	8000	8003	5,741	
REVENUE	95	890	510	9510	6101	5,741	0

MODESTO CITY COUNCIL
RESOLUTION NO. 95-198

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) TO MANAGE PREPARATION OF THE BICYCLE TRANSPORTATION MASTER PLAN FOR SAAG

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Area Association of Governments (SAAG) to manage preparation of the Bicycle Transportation Master Plan for SAAG 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 25th day of April, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-199

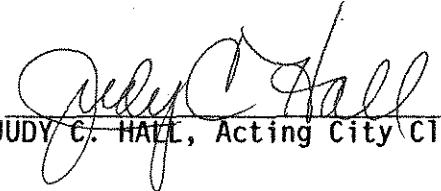
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
BRADY AND ASSOCIATES FOR PREPARATION OF THE BICYCLE TRANSPORTATION MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady and Associates for preparation of the Bicycle Transportation Master Plan 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 25th day of April, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-200**

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO ESTIMATED AND APPROPRIATE ADDITIONAL FUNDING FOR A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED SAAG BICYCLE TRANSPORTATION MASTER PLAN.

WHEREAS, the City has entered into an agreement with the Stanislaus Area Association of Governments (SAAG) to prepare the SAAG Bicycle Transportation Master Plan.

WHEREAS, Brady and Associates is preparing the City's Non-motorized Transportation Master Plan and has agreed to prepare the SAAG Plan at a cost not exceed \$32,051, which SAAG and City staff have agreed is reasonable and appropriate. City staff will invoice SAAG for work completed by Brady and Associates, and will pay Brady and Associates from fund a new project 052-310-E626-6010.

WHEREAS, in exchange, SAAG will reimburse the City or expenses, up to 2% of the contract costs (\$641).

WHEREAS, the following adjustments are necessary:

Local Transportation Fund

Fund/Agy/Org		Increase
Revenues		(Decrease)
052-510-9510-1216	LTF-non motorized	\$32,692
Expenditures		
052-310-E626-6010	SAAG Bicycle Transportation Plan	\$32,692

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 April, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-201

A RESOLUTION APPROVING FINANCING AGREEMENTS BETWEEN THE CITY OF MODESTO AND DARRELL WADE, FLORENCE VON DOHLEN, GREGORY SAY AND ROBERT PEDERSEN FOR THE PURPOSE OF REHABILITATING THEIR PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreements between the City of Modesto and Darrell Wade, Florence Von Dohlen, Gregory Say and Robert Pedersen for the purpose of rehabilitating their properties pursuant to the City of Modesto's Housing Rehabilitation program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreements 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 25th day of April, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-202

A RESOLUTION APPROVING AN AMENDED LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DE GROOT FOR THE HAILWOOD RANCH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hein Hettinga and Amos De Groot for lease of the Hailwood Ranch be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreements 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 25th day of April, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Vice Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson, Mayor Lang

ATTEST: 
JUDY G. HAIL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-203

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY TOWER GROUP FOR THE INSTALLATION OF A REPEATER ANTENNA USED FOR COMMUNICATIONS WITH CITY BUSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and City Tower Group for the installation of a repeater antenna used for communications with City buses 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 25th day of April, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-204

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF REUBEN TORCH FROM THE CULTURE COMMISSION, EFFECTIVE APRIL 25, 1995

WHEREAS, Reuben Torch was appointed a member of the Culture Commission on November 3, 1992; and

WHEREAS, Reuben Torch has tendered his resignation from the Culture Commission, effective April 25, 1995; and

WHEREAS, Reuben Torch 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 Reuben Torch from the Culture 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 Reuben Torch 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 25th day of April, 1995, by Councilmember McClanahan 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: Cogdill, Dobbs, Friedman, McClanahan,
Vice Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-205

A RESOLUTION ACCEPTING THE BID OF LAGORIO COMMUNICATIONS FOR FURNISHING AND INSTALLING 32 RADIOS WITH PA SYSTEM IN MAX BUSES

WHEREAS, Resolution No. 95-117, adopted by the Council of the City of Modesto on March 7, 1995, approved the plans and specifications for the purchase and installation of 32 radios with PA system in MAX buses, and authorized the calling for bids; and

WHEREAS, the bids received for the purchase and installation of 32 radios with PA system in MAX buses, were opened at 11:00 a.m. on April 3, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Lagorio Communications, in the amount of \$81,272.83, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lagorio Communications 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 2nd day of May, 1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-206

A RESOLUTION ACCEPTING THE BID OF AUBURN CONSTRUCTORS FOR THE
INSTALLATION OF WATER TANK NO. 4 AND WELL NO 54 PROJECT

WHEREAS, Resolution No. 95-119, adopted by the Council of the City of Modesto on March 7, 1995, approved the plans and specifications for the installation of Water Tank No. 4 and Well No. 54 Project, and authorized the calling for bids; and

WHEREAS, the bids received for the installation of Water Tank No. 4 and Well no. 54 Project, were opened at 11:00 a.m. on April 18, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Auburn Constructors, in the amount of \$995,680, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Auburn Constructors 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 2nd day of May, 1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-207

A RESOLUTION APPROVING A CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT FOR THE YEARS 1995-2000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS IN RELATION TO SAID PLAN FOR SUBMITTAL TO HUD.

WHEREAS, new U.S. Department of Housing and Urban Development (HUD) guidelines for Fiscal Year 1995-96 programs require the City to broaden its Citizen Participation beyond the already extensive and inclusive process it has followed for the last several years, and

WHEREAS, the City reached out to representatives of non-profit agencies, neighborhood groups, the private sector, other governmental agencies and service clubs to determine our needs and to develop priorities and strategies, and said Plan was the result of that effort, and

WHEREAS, the Consolidated Plan brings together the principal housing and community development plans and applications from the four main HUD programs that the City operates: Community Development Block Grant, the HOME, the Emergency Shelter Grant and the HOPWA Grant programs, and

WHEREAS, the development of a Consolidated Plan was reviewed by the Citizen's Housing and Community Development Committee, which held a public hearing on the Plan on April 20, 1995, and the final version of the Consolidated Plan was amended and approved by the Community Development Committee on that date and recommended to the City Council for approval, and

WHEREAS, the City Council Community Development and Housing Committee reviewed and approved the recommended Consolidated Plan on April 28, 1995, and

WHEREAS, at its meeting of May 2, 1995, the Council considered the Consolidated Plan, as recommended, which presented a coordinated approach to addressing the City of Modesto's housing and community development needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and hereby approves the Consolidated Plan for Housing and Community Development for the Years 1995-2000, dated May 1995, which Plan presents a coordinated approach to addressing the City of Modesto's housing and community development needs, a copy of which Plan is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager or his authorized designee to execute all necessary documents in relation to said Consolidated Plan for Housing and Community Development for submittal to the U.S. 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 2nd day of May, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-208

A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND BURBANK-PARADISE FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Burbank-Paradise Fire Protection District 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 2nd day of May, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-209

A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO
AND SALIDA FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Salida Fire Protection District 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 2nd day of May, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-210

A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO AND WOODLAND AVENUE FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Woodland Avenue Fire Protection District 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 2nd day of May, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-211

A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF MODESTO
AND WESTPORT FIRE PROTECTION DISTRICT

WHEREAS, the City of Modesto shares borders with several fire districts and an Automatic Aid agreement will allow neighboring fire departments to automatically be dispatched in specified situations, resulting in improved fire protection.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Automatic Aid agreement between the City of Modesto and Westport Fire Protection District 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 2nd day of May, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-212

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO A'S PROFESSIONAL BASEBALL CLUB FOR USE OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto A's Professional Baseball Club for use of John Thurman Field 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 2nd day of May, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-213A

A RESOLUTION COMMENDING THE MODESTO POLICE
RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY
WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves ("Reserves") have contributed numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, in 1994 there were approximately forty-four (44) Reserves in the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, and

WHEREAS, the Reserves worked with the Modesto Police Department, performing whatever duties might have been requested in the way of enforcing laws, searching for missing persons, aiding during times of disaster, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1994, the Reserves served a total of eighteen thousand five hundred thirty-seven (18,537) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Reserve Officers who devoted many personal hours of service to the Modesto Police Reserves during the year 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-213B

A RESOLUTION COMMENDING THE MODESTO POLICE
DEPARTMENT EXPLORERS FOR CONTRIBUTIONS TO THE
COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Explorers
("Explorers") have contributed numerous hours each year to the
City of Modesto by assisting the Police Department in providing
hours of service to its citizens, and

WHEREAS, in 1994 there were approximately twenty-six
(26) explorers in the organization, private citizens from all
walks of life, who devoted many hours of their own time to the
Modesto Police Department, apart from their employment or
business, without receiving any pay whatsoever, and

WHEREAS, the Explorers worked with the Modesto Police
Department, performing whatever duties might have been requested
in all the divisions of the Police Department, including
assisting in both the Bureau of Support and the Bureau of
Operations of the Modesto Police Department, and

WHEREAS, during the year 1994, the Explorers served a
total of five thousand three hundred eight (5,308) hours of time
for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that each and every person serving with the
Modesto Police Department Explorers is hereby commended for
contributing many hours of service in the organization which so

greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Explorers who devoted many personal hours of service to the Modesto Police Department and citizens 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 May, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-213C

A RESOLUTION COMMENDING THE MODESTO POLICE
DEPARTMENT CITIZEN VOLUNTEERS FOR
CONTRIBUTIONS TO THE COMMUNITY WELFARE AND
SAFETY.

WHEREAS, the Modesto Police Department Citizen
Volunteers ("Volunteers") have contributed numerous hours each
year to the City of Modesto by assisting the Police Department in
providing hours of service to its citizens, and

WHEREAS, in 1994, there were approximately eleven (11)
Volunteers of the organization, private citizens from all walks
of life, who devoted many hours of their own time to the Modesto
Police Department, apart from their employment or business,
without receiving any pay whatsoever, and

WHEREAS, the Volunteers worked with the Modesto Police
Department, performing whatever duties might have been requested
in all the divisions of the Police Department, including
assisting in both the Bureau of Support and the Bureau of
Operations of the Modesto Police Department, and

WHEREAS, during the year 1994, the Volunteers served a
total of four thousand ten (4,010) hours of time for the City of
Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that each and every person serving with the
Modesto Police Department Citizen Volunteers is hereby commended
for contributing many hours of service in the organization which

so greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Volunteers who devoted many personal hours of service to the Modesto Police Department and citizens 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 May, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-214

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SYLVAN UNION SCHOOL DISTRICT FOR THE USE OF SOMERSET MULTIPURPOSE FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Sylvan union School District for use of the Somerset Multipurpose Facility 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 2nd day of May, 1995, by Councilmember Friedman ,who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-215**

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE \$1,100 FROM THE GENERAL FUND CONTINGENCY RESERVE TO FUND ACTIVITIES BY THE STANISLAUS COUNTY COMMISSION ON AGING AND THE CENTRAL CALIFORNIA ART LEAGUE.

WHEREAS, the City received requests from the two agencies for funding activities in May of this year. Since all funds had been committed from the Cultural Promotions Account, the matter was referred to the Financial Policy Committee for their review.

WHEREAS, the financial Policy Committee discussed these issues and is recommending the appropriation be approved in the requested amounts as follows: Commission on Aging/Senior Awareness Day \$800, Central California Art League \$300.

WHEREAS, the following adjustments are necessary:

General Fund

Fund/Agy/Org Expenditures		Increase (Decrease)
010-360-3622-1016	Senior Awareness Day	\$800
010-360-3622-1017	Central California Art League	\$300
010-800-8000-8003	General Fund Contingency Reserve	(\$1,100)

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 2nd day of May, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-216


A RESOLUTION APPROVING AN AMENDED CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Brady and Associates for consultant services to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale Corridor be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amended 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 2nd day of May, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-217

A RESOLUTION TERMINATING THE CONSULTANT SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES TO PREPARE AN ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR AND DATED JANUARY 24, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady and Associates for consultant services to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale Corridor and dated January 24, 1995 be, and it is hereby terminated.

BE IT FURTHER RESOLVED that the execution of said terminated 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 2nd day of May, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-218

A RESOLUTION ESTABLISHING PASSENGER FARES FOR
BUS SERVICE ON MODESTO AREA EXPRESS AND
SUPERSEDING RESOLUTION NO. 89-699.

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 \$.75
- 2. Students (age 5 and older and full-time college students) \$.55
- 3. Handicapped and Senior Citizens \$.35
- 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 \$29.00
 - After the 7th of the month \$21.75
 - After the 14th of the month \$14.50
 - After the 21st of the month \$ 7.25
- 2. Student Monthly Pass - full month \$20.00
 - After the 7th of the month \$15.00
 - After the 14th of the month \$10.00
 - After the 21st of the month \$ 5.00

3. Senior Citizen/Handicapped Monthly Pass - full month	\$15.00
After the 7th of the month	\$11.25
After the 14th of the month	\$ 7.50
After the 21st of the month	\$ 3.75
4. All day Bus Pass (all passengers)	\$ 1.70
5. Commuter Tickets	\$29.00 for
(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)	50 rides
6. Regular Passenger Ticket Books	\$37.50 for
	50 rides
7. Student Passenger Ticket Books	\$27.50 for
	50 rides
8. Senior Citizen/Handicapped Ticket Books	\$17.50 for
	50 rides

BE IT FURTHER RESOLVED that Resolution No. 89-700
adopted on June 27, 1989, is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-218A

A RESOLUTION ESTABLISHING PASSENGER FARES FOR
DIAL-A-RIDE SERVICE AND SUPERSEDING
RESOLUTION NO. 89-700.

BE IT RESOLVED by the Council of the City of Modesto
that the following fares are hereby established for passengers
riding on the City of Modesto's Dial-A-Ride service:

Regular Cash Fare \$ 1.50

Ticket Books (containing 10 tickets) \$10.00

BE IT FURTHER RESOLVED that Resolution No. 89-700
adopted on June 27, 1989, is hereby superseded.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 9th
day of May, 1995, by Councilmember McClanahan,
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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-219

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE AIRPORT WAY EXTENSION PROJECT

WHEREAS, bids for the Airport Way extension project were opened on April 4, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of George Reed, Inc. in the amount of \$75,555.55, 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 May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-220

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$12,900.00 TO FUND
THE AIRPORT WAY EXTENSION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the
following appropriation transfer(s) are approved:

FROM: General Aviation Apron Slurry Seal \$12,900.00
 (632 480 E948 6000)

TO: Airport Way Resurface Extension \$12,900.00

The original scope of work was reduced over 50% due to funding
requirements. However, the remaining work still requires
additional funds for completion.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 9th day of May, 1995, by
Councilmember Friedman , who moved its adoption, which motion being
duly seconded by Councilmember Dobbs , was upon roll call carried
and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-221

A RESOLUTION ACCEPTING THE SYLVAN AVENUE WATERLINE TO WATER TANK NO. 4 AND WELL NO. 54 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sylvan Avenue waterline to Water Tank No. 4 and Well No. 54 project, has been completed by B. G. Pipeline, Inc., in accordance with the contract agreement dated June 21, 1994.

NOW, THEREFORE, BE IT RESOLVED that the contract for the Sylvan Avenue waterline to Water Tank No. 4 and Well No. 54 project be accepted from said contractor, B. G. Pipeline, Inc.; that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amount due in the amount of \$667,785.93, 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 May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-222

A RESOLUTION ACCEPTING THE DRYDEN GOLF COURSE DRIVING RANGE LIGHTING PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Dryden Golf Course driving range lighting project, has been completed by Continental Transformer Services, in accordance with the contract agreement dated August 2, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Dryden Golf Course driving range lighting project, be accepted from said contractor, Continental Transformer Services; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$41,425.00 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 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-223

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$925.00 TO HELP FUND THE DRYDEN GOLF COURSE DRIVING RANGE LIGHTING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Creekside Golf Course Cart Paths \$925
(660 330 E416 6050)

TO: Dryden Driving Range lights \$925
(660 330 D248 6040)

Additional staff time was necessary to monitor the extended construction schedule, primarily caused by wet weather delays and long lead material delivery.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-224

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING ON THE PROPOSED 1995-96 OPERATING BUDGET AND PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR 1995-96 THROUGH 1998-99.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 23, 1995, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for the proposed 1995-96 Operating Budget and proposed Capital Improvement program (CIP) for 1995-96 through 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-225

A RESOLUTION ORDERING THE PUBLIC WORKS 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 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 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 Subdivisions Nos. 1-6, the Public Works 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 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-226

A RESOLUTION ORDERING THE PUBLIC WORKS 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.

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. 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, 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 Subdivisions Nos. 7-10, the Public Works 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 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-227

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND 1995-96.

WHEREAS, the representatives of the City and the Modesto City Fire Fighters Association (MCFFA) met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by MCFFA for the Fiscal Years 1994-95 and 1995-96, and

WHEREAS, a Memorandum of Understanding representing the mutual understandings reached as a result of such meet and confer sessions was entered into on August 16, 1994, and,

WHEREAS, during the course of administering that MOU, it was discovered that an error had been made concerning the effective date of Article 12, Cafeteria Plan, and

WHEREAS, the parties have subsequently met and conferred and agreed that a mutual error had been made, and consequently, the proposed amendment reforms the original MOU to correct that mutual mistake,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Amendment to the Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association for the Fiscal Years 1994-95 and 1995-96, is hereby approved, and a copy of said Amendment to the MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-228

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARDEN PROJECT FOR USE OF 2 ACRES OF TUOLUMNE RIVER REGIONAL PARK NURSERY FOR THE PURPOSE OF PROVIDING A GARDEN PROJECT FOR DISADVANTAGED AND HOMELESS PERSONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Garden Project, for the use of 2 acres of Tuolumne River Regional Park adjacent to the City Nursery (Robertson Road and Sutter Avenues) for the purpose of providing a garden project for disadvantaged and homeless persons 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 9th day of May, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-229

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ERNESTINE ALVAREZ, OWNER OF PROPERTY AT 2708 SPARKS WAY, FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Ernestine Alvarez, owner of property at 2708 Sparks Way, for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program 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 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-230

A RESOLUTION GRANTING PERMISSION TO HANG A
BANNER ON THE PEDESTRIAN OVERCROSSING ON
NINTH STREET IN RELATION TO THE 1995 POLICE
SUMMER GAMES.

WHEREAS, the Modesto Police Department has requested
the Council's approval to hang a banner on the pedestrian
overcrossing located on Ninth Street from June 23 to July 2,
1995, in relation to the 1995 Police Summer Games, and

WHEREAS, the dimensions for the proposed banner are two
feet by twenty feet (2' x 20') and will read on both sides:
"Modesto Welcomes the 1995 Police Summer Games", and

WHEREAS, Ninth Street is State Route 132, governed by
the State of California, and

WHEREAS, the California Department of Transportation
has given verbal approval for an encroachment permit for the
hanging of this banner, but has required official approval by the
local agency's governing board (the Council), and

WHEREAS, at the May 2, 1995, Human Services/Public
Safety Council Committee, installation of the proposed banner was
approved by the committee members as recommended by City staff,
and

WHEREAS, the Council considered this matter at its
meeting of May 9, 1995,

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

1. That the request to hang a banner on the pedestrian overcrossing located on Ninth Street relating to the 1995 Police Summer Games is hereby granted.

2. That the banner's dimensions shall be two feet by twenty feet (2'x 20') and will read on both sides: "Modesto Welcomes the 1995 Police Summer Games".

3. That the banner will serve as an informational sign announcing the 1995 Police Summer Games to City residents and to visitors from out-of-town and, therefore, is exempt from Section 10-2.2101 of the Modesto Municipal Code.

4. That the banner shall be installed on June 23, 1995, by City personnel and shall be removed on July 2, 1995, by City personnel.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to certify a copy of this resolution for the Modesto Police Department so that the Police Department may forward the certified copy of this resolution to the California Department of Transportation for the appropriate encroachment permit to allow the hanging of the banner 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 9th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-231

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$12,000 TO PURCHASE A LASER ALIGNMENT TOOL FOR WASTEWATER TREATMENT SYSTEM PUMPS AND EQUIPMENT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Climber Screen Account (621 480 D304 6040.40)	\$12,000
TO:	Mechanical Alignment Account (621 480 E564 6070.40)	\$12,000

Funds were budgeted in the FY95 operating budget to purchase a mechanical alignment system for aligning motors to pump shafts and other mechanical rotating equipment. New technology has resulted in a superior laser system that saves time and is more reliable versus the budgeted mechanical system. Additional funds are needed to purchase this equipment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-232

A RESOLUTION APPOINTING FORREST HEATH TO THE LOCAL CABLE PROGRAMMING
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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Forrest Heath is hereby appointed to the Local Cable
Programming Committee, term to expire 1/1/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Local Cable
Programming 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 9th day of May, 1995, by
Councilmember Cogdill , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-233

A RESOLUTION APPOINTING JOSEPH MARTINEZ TO THE AFFIRMATIVE ACTION
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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Joseph Martinez is hereby appointed to the Affirmative
Action Commission, term to expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Affirmative Action
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 9th day of May, 1995, by
Councilmember Cogdill , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-234

A RESOLUTION APPOINTING LAURA BONICH TO THE BOARD OF BUILDING APPEALS

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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Laura Bonich is hereby appointed to the Board of Building Appeals, term to expire 1/1/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Board of Building Appeals and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 1995, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-235

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LIFEGUARD HEALTH CARE TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lifeguard Health Care to provide employee group health coverage effective August 1, 1995, 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 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-236

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE OF CALIFORNIA TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PacificCare of California to provide employee group health coverage effective August 1, 1995, 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 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-237

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL HEALTH PLANS TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Health Plans to provide employee group health coverage effective August 1, 1995, 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 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-238

A RESOLUTION AUTHORIZING THE CANCELATION OF THE CITY'S SELF-INSURED PLAN AND CONTRACT WITH TAKECARE, EFFECTIVE JULY 31, 1995

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City's self-insured plan and contract with TakeCare be, and it is hereby canceled, effective July 31, 1995.

BE IT FURTHER RESOLVED that the execution of said cancelation 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 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Mayor Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Muratore, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-239

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(509). (MELROSE
SUNDIAL, INC.)

WHEREAS, a verified application for an amendment to
Section 21-3-9 of the Zoning Map was filed by Melrose Sundial,
Inc. on February 17, 1995, to reclassify from Medium Density
Residential Zone, R-2, and Planned Development Zone, P-D(465), to
Planned Development Zone, P-D, to allow expansion of existing
care facilities and addition of a two-story assisted-living
senior housing complex, property located on the south side of
Corson Avenue at Melrose Avenue and on the north side of East
Fairmont Avenue at M.I.D. Lateral No. 4, described as follows:

P-D(465) to P-D(509)

All that certain real property situate in a portion of
the Southwest quarter of Section 21, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follows:

A portion of Lot 15 of the Fairmont Tract, according to
the Official Map thereof, filed in the Office of the
Recorder of Stanislaus county California, on December
27, 1911, in Volume 6 of Maps, at Page 12, and more
closely described as follows:

All of that certain property known as Fairmont Court as
shown on that certain official Subdivision Map filed in
the office of the Recorder of Stanislaus County,
California, on May 3, 1990, in Volume 35 of Maps, at
Page 01.

Including also all of the south one-half of 50.00-
foot-wide Corson Avenue, the north one-half of 30.00-
foot-wide East Fairmont Avenue, and the northwest one-
half of the M.I.D. Lateral No. 4 right-of-way and all
immediately adjacent to the above-described property.

R-2 to P-D(509)

All that certain real property situate in a portion of the Southwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel A as shown on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 8, 1978, in Book 26 of Parcel Maps, at Page 90.

Including also all of Parcel B shown on that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 14, 1973, in Book 16 of Parcel Maps, at Page 52.

Including also the Southern one-half of Corson Avenue immediately adjacent to the above-described property.

Including also the Northern 160.00 feet of the Western 132.00 feet of Lot 15 of Fairmont Tract, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 27, 1911, in Volume 6 of Maps, Page 12.

and

WHEREAS, after a public hearing held on April 17, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 95-09, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone is in conformance with the General Plan and will contribute to a variety of housing types in the East McHenry neighborhood by providing living units for the elderly in a residential neighborhood setting.
2. The elderly care/housing facility is within walking distance of the bus route and will continue to be provided with private shuttle bus service.

3. The approved plot plan, along with required fencing, screen landscaping, and conditions of approval will assure this elderly care/housing complex will be compatible with the adjacent residential neighborhood.

and

WHEREAS, after a public hearing held on May 16, _____, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Melrose Sundial, 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. 95-09 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2945 -C.S. on the 16th day of May _____, 1995, reclassifying the above-described property from Medium Density Residential Zone, R-2, and Planned Development Zone, P-D(465), to Planned Development Zone, P-D(509).

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(509), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Melrose Manor" as amended in red, stamped approved by the City Council on May 16, 1995.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the south and west property lines adjacent to the two-story building addition. The screen landscaping shall

be planted with Phase I. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

3. Second-story windows along the west and south elevations of the two-story building addition shall be view obscuring glass and are to remain closed at all times except for emergency access only as required by the Chief Building Official.
4. Fences or walls shall be constructed prior to occupancy of the Phase I portion and shall be as follows:
 - a. Minimum six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the north property lines.
 - b. Eight foot-high solid decorative masonry wall along portions of the west and south property lines adjacent to the proposed two-story building
 - c. Eight-foot high wood fence with decorative masonry pilasters at 16 foot on centers along the remaining portions of the south property line and along the most western property line adjacent to the one-story buildings in Phase I.
5. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
7. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development Director.
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 required automatic fire sprinkler systems and fire hydrants required by the Fire Chief shall be installed and operable prior to occupancy of any structures.

9. 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 Public Works and Transportation Director.
10. All signs shall comply with the sign requirements of the R-1 Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(509):

The entire construction program be accomplished in two phases as follows:

Phase I - Construction to begin on or before April 17, 1997, and completion to be not later than April 17, 1998.

Phase II - Construction to begin on or before April 17, 1998, and completion to be not later than April 17, 1999.

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 X 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(509), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *[Signature]*
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 95-240

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-2 AND P-D(465) TO P-D(509). (MELROSE SUNDIAL, INC.)

WHEREAS, on March 15, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto to reclassify from Medium Density Residential Zone, R-2, and Planned Development Zone, P-D(465), to Planned Development Zone, P-D(509), property located on the south side of Corson Avenue at Melrose Avenue and on the north side of east Fairmont Avenue at M.I.D. Lateral No. 4 might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-241


A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE SPECIFIC PLAN FOR FAIRVIEW VILLAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Environmental Science Associates to prepare a focused Environmental Impact Report for the Specific Plan for Fairview Village 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 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-242

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1994-95 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES FOR A CONSULTANT TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT.

WHEREAS, funds were available by a private applicant with the City of Modesto in trust and will be appropriated in Strategic Planning Division, and

WHEREAS, this project will be completely funded by the Project Applicant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1994-95 Annual Budget be amended as follows:

GENERAL FUND
APPROPRIATION & REVENUES ADJUSTMENTS

APPROPRIATIONS & REVENUES				
FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Fairview Village Appropriation				
010-140-1430-0235	Professional Services, Other	1,962	64,765	66,727
Fairview Village Revenue				
010-140-1430-8155	Miscellaneous Revenue	0	64,765	64,765

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 16th day of May, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-243

A RESOLUTION STATING THE COUNCIL'S INTENTION TO INITIATE PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT AT THE POUST ROAD AND MC DONALD AVENUE CANAL CROSSING (LATERAL NO. 3) INTERSECTION IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT NO. 9.)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Public Works and Transportation Director has proposed that the Council initiate proceedings to establish a Public Facilities District at Poust Road and the McDonald Avenue canal crossing (MID Lateral No. 3) intersection in the City of Modesto,

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

SECTION 1. The Council of the City of Modesto hereby states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District No. 9. at Poust Road and the McDonald Avenue canal crossing (MID Lateral No. 3) intersection in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of City departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District No. 9.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-244

A RESOLUTION STATING THE COUNCIL'S INTENTION TO INITIATE PROCEEDINGS ON ITS OWN MOTION FOR THE DESIGNATION OF AN AREA OF BENEFIT AT MORSE AVENUE ACROSS THE MID LATERAL NO. 3 FOR A CANAL CROSSING IN THE CITY OF MODESTO. (PUBLIC FACILITIES DISTRICT NO. 10.)

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the Public Works and Transportation Director has proposed that the Council initiate proceedings to establish a Public Facilities District at Morse Avenue across the MID Lateral No. 3 for a canal crossing in the City of Modesto,

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

SECTION 1. The Council of the City of Modesto hereby states its intention to initiate proceedings to establish a public facilities project to be designated Public Facilities District No. 10. at Morris Avenue across the MID Lateral No. 3 for a canal crossing in the City of Modesto.

SECTION 2. The proposed public facilities project is hereby referred to the City Manager and the City Manager is directed, with the assistance of City departments to make and file with the City Clerk a report in writing containing all the pertinent information required by Section 7-1.804 of the Modesto Municipal Code for the purpose of establishing Public Facilities District No. 10.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

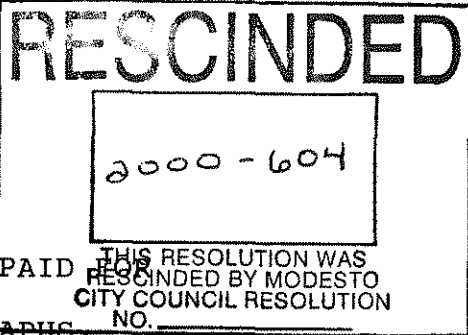
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 95-245

A RESOLUTION ESTABLISHING FEES TO BE PAID
OBTAINING COPIES OF OFFICIAL POLICE
DEPARTMENT REPORTS AND POLICE PHOTOGRAPHS,
AND RESCINDING RESOLUTION NO. 91-551.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, Section 6257 of the Government Code provides that except with respect to public records exempt by express provisions of law from disclosure, each state or local agency, upon any request for a copy of records, which reasonably describes an identifiable record, or information produced therefrom, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law.

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

SECTION 1. The following fees are hereby established and shall be collected for preparation of copies of any official police department report and photograph on file in the office of the Police Department.

Copy of Official Police Report - \$10.00 for the first 6 pages and \$0.50 per each additional page

Copy of Official Police Photograph - \$10.00 for processing and retrieval plus \$1.10 per each print

These fees shall not apply to any governmental agency.

SECTION 2. The Police Chief shall cause a fee book to be kept by his department. All fees collected by his department for copies of these reports and photographs shall be entered in the book with the date, the name of the person making the payment, and the nature of the service in each case. At least weekly, these fees shall be paid into the City treasury.

SECTION 3. Council Resolution No. 91-551 adopted on August 27, 1991, is hereby rescinded effective July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-246

A RESOLUTION ESTABLISHING FEES FOR
FINGERPRINTING, AND RESCINDING RESOLUTION NO.
91-550.

BE IT RESOLVED by the Council of the City of Modesto
that the following fees are hereby established for fingerprinting
service by the Modesto Police Department, except where
fingerprints are required in conjunction with obtaining a City
permit:

\$7.00 for the first fingerprint card

\$7.00 for each additional card

BE IT FURTHER RESOLVED that Resolution No. 91-550
adopted by the Council on August 27, 1991, is hereby rescinded
effective July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-247

A RESOLUTION ESTABLISHING AN IMPOUNDED
VEHICLE RELEASE FEE AND RESCINDING RESOLUTION
NO. 88-163.

WHEREAS, Section 3-10.26 of the Modesto Municipal Code regulates the disposition of impounded vehicles in the City of Modesto, and provides that an impounded vehicle release fee shall be established by resolution adopted from time to time by the Council of the City of Modesto, and

WHEREAS, Section 22850 of the California Vehicle Code provides that a fee equal to the cost of removal, impound, storage or release of the vehicle may be charged. Said fees as permitted by the Vehicle Code are charged primarily to unlicensed and suspended license individuals, and would not affect the general public, or those individuals who claim a stolen vehicle, which are released without fee, and

WHEREAS, a written release must be obtained from the Modesto Police Department to secure release of an impounded vehicle, and

WHEREAS, the Police Department of the City of Modesto must issue said written release,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Modesto Municipal Code Section 3-10.26, an impounded vehicle release fee in the amount of \$45.00 shall be charged to all persons seeking a written release of a vehicle to cover the costs of processing and issuing

said written release.

BE IT FURTHER RESOLVED that Resolution No. 88-163 adopted by the Council on March 1, 1988, is hereby rescinded effective July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Mike Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-248

A RESOLUTION ESTABLISHING PARKS AND RECREATION FEES FOR YOUTH ACTIVITIES PERTAINING TO CHILDREN'S CONCERTS, KIDS ACTIVITY NIGHT, KIDS ON KAMPUS, KIDS 4 FUN CLUB, AND TEEN SWIM PARTIES.

WHEREAS, the Parks and Recreation Department has recommended the implementation of fees relating to the following youth activities:

Children's Concerts, which will provide cultural, educational and recreational entertainment for children;

Kids Activity Night and Kids on Kampus, which will provide recreational activities at five or more school sites year round with activities to include low organized games, relays, music, crafts, and parties for children;

Kids 4 Fun Club, which will encourage youth to participate in recreational activities such as the redwood derby, Saturday swim day, t-shirt, membership certificate and co-sponsor activity coupons;

Teen Swim Parties, which will be conducted at Johansen and Beyer High School swimming pools on Saturday evenings, games and contests will be conducted, and refreshments will be offered for sale, and

WHEREAS, the City Fees Task Force met on May 17, 1995, and approved the fees as recommended by City staff, and

WHEREAS, the establishment of said fees was set for a public hearing of the City Council to be held on May 23, 1995, at

4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider the establishment of said fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby established as recommended by City staff:

<u>Activities:</u>	<u>Fees</u>
Children's Concerts (estimating 300 youths at four concerts)	\$ 7.00 - \$10.00 per person
Kids Activity Night	\$ 2.00 per child
Kids on Kampus	\$ 2.00 per child
Kids 4 Fun Club	\$12.00 per child
Teen Swim Parties	
17 years old and under	\$.75 per teen
18 - 20 years old	\$ 1.50 per teen

BE IT FURTHER RESOLVED that the fees set forth in this resolution shall be implemented and become effective on July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

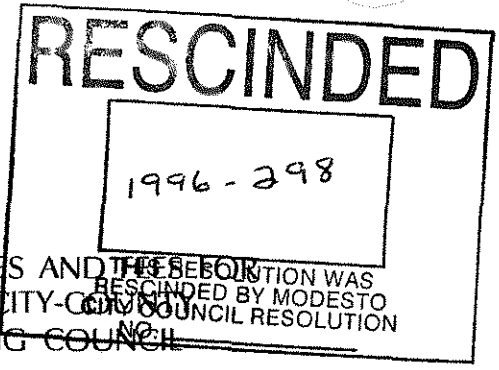
ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk
3/21



MODESTO CITY COUNCIL
RESOLUTION NO. 95-249

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR THE RESOLUTION WAS
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY COUNCIL RESCINDED BY MODESTO
AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL
RESOLUTION NO. 94-675.

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,

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:

(a) T-Hangars:

Hangar No. A	\$ 94.00 per unit per month
End Units	\$110.00 per unit per month
Hangar No. B	\$115.00 per unit per month
End Units	\$141.00 per unit per month
Hangar No. C	\$121.00 per unit per month
End Units	\$146.00 per unit per month
Hangar No. D	\$108.00 per unit per month
End Units	\$128.00 per unit per month
Hangar No. E	\$159.00 per unit per month
End Units	\$186.00 per unit per month

Hangar No. F	\$159.00 per unit per month
End Units	\$186.00 per unit per month
Hangar No. G	\$159.00 per unit per month
Hangar No. H	\$159.00 per unit per month
Hangar No. J	\$159.00 per unit per month
Portable Land Rent	\$ 47.00 per unit per month

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 for in advance.

(b) Storage Hangars:

Hangar No. 1	\$817.00 per month, plus roof amortization based on a per square foot basis as determined after completion of roof replacement.
Hangar No. 2	\$966.00 per month
Hangar No. 3	\$509.00 per month
Hangar No. 4	\$865.00 per month
Hangar No. 5	\$862.00 per month
Hangar No. 6	\$504.00 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) \$37.00 per month.

- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$75.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.033 per square foot per month.
- (d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft \$5.00 per day.
- (e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) \$7.00 per day.
- (f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) \$11.00 per day.
- (g) Jet, Heavy Jet \$11.00 per day.

A five (5%) percent 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's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down 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. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

- (a) Old Administration Building . . \$.64 per square foot

- (b) Office Building No. 1 \$.64 per square foot
- (c) Office Building No. 2,
Suite A \$.64 per square foot
- (d) Office Building No. 2,
Suite B \$.64 per square foot
- (e) Hangar Office Space \$.298 per square
foot per month

SECTION 4. 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 5. 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 month; 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 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers 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. Collection will become effective September 1, 1994.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. 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 call board as follows:

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
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 8. 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 Code \$2.00 First Page, \$1.50 All Other Pages

SECTION 9. 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 VI 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 VI of the Modesto Municipal Code.

SECTION 10. 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 11. 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 12. 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 13. PENALTIES. A five (5%) percent 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 14. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES.

Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner:

The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, 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. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, 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 15. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1995.

SECTION 16. SUPERSEDE. This resolution rescinds Council Resolution No. 94-675.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-250

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF AN ABOVE-GROUND MOBILE HOIST FOR THE BUS MAINTENANCE FACILITY

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

SECTION 1. The specifications for the purchase of an above-ground mobile hoist for the bus maintenance facility, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 13, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-251

A RESOLUTION ACCEPTING THE BID OF FAIRWAY SYSTEMS, INC. FOR FURNISHING A GOLF MANAGEMENT SOFTWARE AND HARDWARE SYSTEM

WHEREAS, Resolution No. 94-726, adopted by the Council of the City of Modesto on December 20, 1994, approved the plans and specifications for the purchase of a Golf Management Software and Hardware System, and authorized the calling for bids; and

WHEREAS, the bids received for the Golf Management Software and Hardware System, were opened at 11:00 a.m. on January 30, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Fairway Systems, Inc., in the amount of \$98,765.93, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fairway Systems, 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-252

A RESOLUTION ACCEPTING THE SISK ROAD NEIGHBORHOOD TRAFFIC CONTROL IMPROVEMENTS (TARGET) AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sisk Road Neighborhood Traffic Control Improvements (Target) has been completed by George Reed, Inc., in accordance with the contract agreement dated November 15, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Sisk Road Neighborhood Traffic Control Improvements (Target) project, be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$37,250 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 May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-253

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON AUGUST 5, 1995, AT 824 W. KIERNAN AVENUE, AND AUGUST 7, 1995, AT 501 NORTH JEFFERSON STREET AND 601 11TH STREET.

WHEREAS, the City of Modesto desires to sell City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto, and

WHEREAS, it is desirable to authorize the sale of said surplus property at an auction to be held on August 5, and 7, 1995, and

WHEREAS, a detailed list of the items to be sold at said auction, entitled "Surplus Unclaimed Property Listing", is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of City surplus property, and lost, stolen, unclaimed and/or seized property which has been accumulated by the City of Modesto and which is included on the "Surplus Unclaimed Property Listing", which list is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, August 5, 1995, at a large facility located at 824 W. Kiernan Avenue, and on Monday, August 7, 1995,

at 501 North Jefferson Street, City Corporation Yard, and 601 11th Street, Police Department Vehicle Maintenance Shop, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days 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 lists of the items to be offered for sale can be inspected 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-254

A RESOLUTION APPROVING A 'TAKEOVER AGREEMENT' BETWEEN THE CITY OF MODESTO AND INDEMNITY COMPANY OF CALIFORNIA TO COMPLETE CONSTRUCTION OF THE BRIGGSMORE AVENUE WATERLINE FROM WELL #21 TO COFFEE ROAD PROJECT

WHEREAS, on January 25, 1994, the City of Modesto accepted the bid of MBM Construction for the Briggsmore Avenue waterline from McHenry Avenue to Coffee Road Project; and

WHEREAS, on November 16, 1994, the City Manager suspended the contract with MBM Construction due to the lack of progress on the work, and due to the expiration of the contractor's general liability insurance, and negotiated a "takeover agreement" with the surety, Indemnity Company of California, to complete the work.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the "takeover agreement" between the City of Modesto and Indemnity Company of California to complete construction of the Briggsmore Avenue waterline from Well #21 to Coffee Road 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-255

A RESOLUTION APPROVING THE APPLICATION FOR
GRANT FUNDS FOR THE URBAN FORESTRY GRANT
PROGRAM UNDER THE CALIFORNIA WILDLIFE, COASTAL,
AND PARK LAND CONSERVATION BOND ACT OF 1988
FOR THE MODESTO REFORESTATION PROJECT 1995.

WHEREAS, the people of the State of California have enacted the California Wildlife, Coastal, and Park Land Conservation Act of 1988, 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 nonprofit 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 application before submission of said application to the State, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a tree planting project,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for the Urban Forestry Program under the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988, state grant assistance for the above project; and

2. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and

3. Certifies that funds under the jurisdiction of the City Council are available to begin the project; and

4. Certifies that said applicant will expend grant funds prior to March 31, 1997; and

5. Appoints the City Manager as the 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-256

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DURVAL M. ESTRELA FOR THE PURPOSE OF REHABILITATING HIS PROPERTY AT 142 FRESNO AVENUE PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Durval M. Estrela for the purpose of rehabilitating his property at 142 Fresno Avenue pursuant to the City of Modesto's Housing Rehabilitation program 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-257

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN A. TODD FOR THE PURPOSE OF REHABILITATING HIS PROPERTY AT 424 MAPLE STREET PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John A. Todd for the purpose of rehabilitating his property at 424 Maple Street pursuant to the City of Modesto's Housing Rehabilitation program 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-258

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS FOR THE DESIGN OF THE WATER QUALITY CONTROL PLANT, HEADWORKS, GRIT REMOVAL, AND SLUDGE THICKENING FACILITIES AT THE WASTEWATER TREATMENT PLANT.

WHEREAS, the City's Wastewater Treatment Plant has some critical rehabilitation needs, and

WHEREAS, to address these needs the City's 1995 Wastewater Master Plan recommends on site improvements at the primary wastewater treatment plant to replace exhausted process units to improve the solids capture efficiency, improve process reliability and to upgrade the facilities to improve safety and aesthetics, and

WHEREAS, City staff has conducted requests for qualifications from seventy engineering consulting firms who expressed an interest in providing engineering consulting services to the City, and

WHEREAS, City staff feels it is now appropriate to request proposals from five selected firms having similar experience on similar projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for design of the Water Quality Control Plant, headworks, grit removal and sludge thickening improvements at the primary wastewater treatment plant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-259

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
GEORGE FREDERICKSON FOR THE LEASE OF A PORTION OF FIRE STATION NO. 5 FOR A GARDEN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and George Frederickson for the lease of a portion of Fire Station No. 5 for a garden 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-260

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARROLL, BURDICK & MCDONOUGH FOR SPECIAL COUNSEL SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Carroll, Burdick & McDonough for special counsel services for the waste-to-energy project 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 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-261

A RESOLUTION AGREEING THAT THE DISTRIBUTION OF PROPERTY TAX REVENUES UNDER THE CURRENT MASTER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS WHICH GOVERNS THE EXCHANGE OF PROPERTY TAXES UPON ANNEXATION IS ACCEPTABLE TO THE CITY FOR PURPOSES OF MITIGATION OF FISCAL IMPACTS ARISING FROM THE PROPOSED NORTH BEYER REORGANIZATION.

WHEREAS, on September 8, 1992, the City Council held a public hearing to consider the reorganization of the North Beyer Park Neighborhood, and the reorganization was approved subject to various conditions, including the following:

Prior to recording the Certificate of Completion by the Executive Officer, the Modesto City Council and County Board of Supervisors shall enter into an agreement that provides for the mitigation of fiscal impacts to both parties prior to approval of any development proposal by the City of Modesto,

and

WHEREAS, the purpose of the annexation was to provide for the future planned development of the area within the City of Modesto, and

WHEREAS, the City and the County have agreed that a resolution satisfying the above stated condition will serve as the agreement between the City of Modesto and the Stanislaus County Board of Supervisors, and

WHEREAS, the City of Modesto and the County of Stanislaus have approved a master agreement dated April 12, 1983, providing for the distribution of property tax revenues relating to jurisdictional changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby agree that the distribution of property tax revenues as provided for in the current master property tax agreement between the City of Modesto and the County of Stanislaus, dated April 12, 1983, is acceptable to the City for purposes of mitigation of fiscal impacts arising from the proposed North Beyer Reorganization. A copy of said agreement is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Executive Officer of the Local Agency Formation Commission and the Board of Supervisors of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Mike Milich*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-262

**RESOLUTION AUTHORIZING AND APPROVING THE BORROWING OF
FUNDS FOR FISCAL YEAR 1995-1996; THE ISSUANCE AND SALE OF
A 1995-1996 TAX AND REVENUE ANTICIPATION NOTE
THEREFOR AND PARTICIPATION IN THE CALIFORNIA
COMMUNITIES CASH FLOW FINANCING PROGRAM**

WHEREAS, local agencies are authorized by Section 53850 to 53858, both inclusive, of the Government Code of the State of California (the "Act") (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of the Government Code) to borrow money by the issuance of temporary notes;

WHEREAS, the legislative body (the "Legislative Body") of the local agency specified in Section 25 hereof (the "Local Agency") has determined that a sum (the "Principal Amount"), not to exceed the Maximum Amount of Borrowing specified in Section 25 hereof, which Principal Amount is to be confirmed and set in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the Local Agency, to satisfy obligations of the Local Agency, and that it is necessary that said Principal Amount be borrowed for such purpose at this time by the issuance of a note therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to its fiscal year ending June 30, 1996 ("Fiscal Year 1995-1996");

WHEREAS, the Local Agency hereby determines to borrow, for the purposes set forth above, the Principal Amount by the issuance of the Note (as hereinafter defined);

WHEREAS, it appears, and this Legislative Body hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys of the Local Agency attributable to Fiscal Year 1995-1996 and available for the payment of the principal of the Note and the interest thereon;

WHEREAS, no money has heretofore been borrowed by or on behalf of the Local Agency through the issuance of tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by, taxes, income, revenue, cash receipts or other moneys for Fiscal Year 1995-1996;

WHEREAS, pursuant to Section 53856 of the Act, certain moneys which will be received by the Local Agency during and attributable to Fiscal Year 1995-1996 can be pledged for the payment of the principal of the Note and the interest thereon (as hereinafter provided);

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WHEREAS, the Local Agency has determined that it is in the best interests of the Local Agency to participate in the California Communities Cash Flow Financing Program (the "Program"), whereby participating local agencies (collectively, the "Issuers") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the Program requires the participating Issuers to sell their tax and revenue anticipation notes to the California Statewide Communities Development Authority (the "Authority") pursuant to note purchase agreements (collectively, "Purchase Agreements"), each between such individual Issuer and the Authority, and dated as of the date of the Pricing Confirmation, a form of which has been submitted to the Legislative Body;

WHEREAS, the Authority, in consultation with Sutro & Co. Incorporated, as underwriter for the Program (the "Underwriter"), will form one or more pools of notes (the "Pooled Notes") and assign each note to a particular pool (the "Pool") and sell a series (the "Series") of bonds (the "Bonds") secured by each Pool pursuant to an indenture (the "Indenture") between the Authority and U.S. Trust Company of California, N.A., as trustee (the "Trustee"), each Series distinguished by whether or what type(s) of Credit Instrument(s) (as hereinafter defined) secure(s) such Series, by the principal amounts of the notes assigned to the Pool or by other factors, and the Local Agency hereby acknowledges and approves the discretion of the Authority to assign the Note to such Pool and such Indenture as the Authority may determine;

WHEREAS, as additional security for the owners of each Series of Bonds, all or a portion of the payments by all of the Issuers of the notes assigned to such Series may or may not be secured (by virtue or in form of the Bonds, as indicated in the Pricing Confirmation, being secured in whole or in part) by an irrevocable letter (or letters) of credit or policy (or policies) of insurance or proceeds of a separate bond issue issued for such purpose (the "Reserve Fund") or other credit instrument (or instruments) (collectively, the "Credit Instrument") issued by the credit provider or credit providers designated in the Indenture, as finally executed (collectively, the "Credit Provider"), pursuant to a credit agreement or agreements or commitment letter or letters or, in the case of the Reserve Fund, an indenture (the "Reserve Indenture") (collectively, the "Credit Agreement") between (i) in the case of an irrevocable letter (or letters) of credit or policy (or policies) of insurance, the Authority and the respective Credit Provider and (ii) in the case of the Reserve Fund, the Authority and U.S. Trust Company of California, N.A., as trustee of the Reserve Indenture (the "Reserve Trustee");

WHEREAS, if, as designated in the Pricing Confirmation, the Credit Instrument is the Reserve Fund, bonds issued pursuant to the Reserve Indenture (the "Reserve Bonds") may, as indicated in the Pricing Confirmation, be secured by an irrevocable letter of credit or policy of insurance or other credit instrument (the "Reserve Credit Instrument") issued by the credit provider identified in the Reserve Indenture as finally executed (the "Reserve Credit Provider"), pursuant to a credit agreement or commitment letter (the "Reserve Credit Agreement") identified in the Reserve Indenture as finally executed, such Reserve Credit Agreement being between the Authority and the Reserve Credit Provider;

WHEREAS, the net proceeds of the Note may be invested by the Local Agency in Permitted Investments (as defined in the Indenture) or in any other investment permitted by the laws of the State of California, as now in effect and as hereafter amended, modified or supplemented from time to time;

WHEREAS, as part of the Program each participating Issuer approves the Indenture, the alternative forms of Credit Agreements, if any, and the alternative forms of Reserve Credit Agreements, if any, in substantially the forms presented to the Legislative Body, with the final form of Indenture, type of Credit Instrument and corresponding Credit Agreement and type of Reserve Credit Instrument and

corresponding Reserve Credit Agreement, if any, to be determined and approved by delivery of the Pricing Confirmation;

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of (a) the fees of the Trustee and the costs of issuing the applicable Series of Bonds, and (b), if applicable, the fees of the Credit Provider, the fees of the Reserve Credit Provider (which shall be payable from, among other sources, investment earnings on the Reserve Fund and moneys in the Costs of Issuance Fund established and held under the Indenture), the Issuer's allocable share of all Predefault Obligations and the Issuer's Reimbursement Obligations, if any (each as defined in the Indenture);

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of the fees of the Reserve Trustee and the costs of issuing the applicable Series of Reserve Bonds, all such costs and fees being payable from the proceeds of the applicable Series of Bonds (or, with respect to costs and fees of the Reserve Credit Provider, as may otherwise be provided in the Reserve Indenture);

WHEREAS, pursuant to the Program, the Underwriter will submit an offer to the Authority to purchase, in the case of each Pool of Notes, the Series of Bonds which will be secured by the Indenture to which such Pool will be assigned;

WHEREAS, it is necessary to engage the services of certain professionals to assist the Local Agency in its participation in the Program;

NOW, THEREFORE, the Legislative Body hereby finds, determines, declares and resolves as follows:

Section 1. Recitals. This Legislative Body hereby finds and determines that all the above recitals are true and correct.

Section 2. Authorization of Issuance. This Legislative Body hereby determines to borrow solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1995-1996, by the issuance of a note in the Principal Amount under Sections 53850 et seq. of the Act, designated the Local Agency's "1995-1996 Tax and Revenue Anticipation Note" (the "Note"), to be issued in the form of one fully registered note at the Principal Amount thereof, to be dated the date of its delivery to the initial purchaser thereof, to mature (without option of prior redemption) not more than thirteen months thereafter on a date indicated on the face thereof and determined in the Pricing Confirmation (the "Maturity Date"), and to bear interest, payable at maturity and computed upon the basis of a 360-day year consisting of twelve 30-day months, at a rate not to exceed ten percent (10%) per annum as determined in the Pricing Confirmation and indicated on the face of the Note (the "Note Rate"). If the Series of Bonds issued in connection with the Note is secured in whole or in part by a Credit Instrument or such Credit Instrument (other than the Reserve Fund) secures the Note in whole or in part and all principal of and interest on the Note is not paid in full at maturity or payment of principal of and interest on the Note is paid (in whole or in part) by a draw under, payment by or claim upon a Credit Instrument which draw, payment or claim is not fully reimbursed on such date, such Note shall become a Defaulted Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or the portion (including the interest component, if applicable) thereof with respect to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate (as defined in the Indenture). If the Credit Instrument is the Reserve Fund and the Reserve Bonds issued to fund the Reserve Fund are secured by the Reserve Credit Instrument and a Drawing (as defined in the Indenture) pertaining to the Note is not fully reimbursed by the Reserve Principal Payment

Date (as defined in the Indenture), such Note shall become a Defaulted Reserve Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or portion (including the interest component, if applicable) with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. If the Note or the Series of Bonds issued in connection with the Note is unsecured in whole or in part and the Note is not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Instrument applies which is unpaid) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding three sentences, the obligation of the Local Agency with respect to such Defaulted Note or unpaid Note shall not be a debt or liability of the Local Agency prohibited by Article XVI, Section 18 of the California Constitution and the Local Agency shall not be liable thereon except to the extent of any available revenues attributable to Fiscal Year 1995-1996, as provided in Section 8 hereof. The percentage of the Note to which a Credit Instrument, if any, applies (the "Secured Percentage") shall be equal to the amount of the Credit Instrument divided by the aggregate amount of unpaid principal of and interest on the unpaid notes (or portions thereof) of all Issuers, expressed as a percentage (but not greater than 100%) as of the maturity date. The percentage of the Note to which the Reserve Credit Instrument, if any, applies (the "Secured Reserve Percentage") shall be equal to the amount of the Reserve Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof, including the interest component, if applicable), expressed as a percentage (but not greater than 100%) as of the Reserve Principal Payment Date.

Both the principal of and interest on the Note shall be payable in lawful money of the United States of America, but only upon surrender thereof, at the corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California.

The Note shall be issued in conjunction with the note or notes of one or more other Issuers as part of the Program and within the meaning of Section 53853 of the Act.

Section 3. Form of Note. The Note shall be issued in fully registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A as attached hereto and by reference incorporated herein, the blanks in said forms to be filled in with appropriate words and figures.

Section 4. Sale of Note; Delegation. The Note shall be sold to the Authority pursuant to the Purchase Agreement. The form of the Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit A thereto, presented to this meeting are hereby approved. The authorized representatives set forth in Section 25 hereof (the "Authorized Representatives") are each hereby authorized and directed to execute and deliver the Purchase Agreement in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the Purchase Agreement shall not be effective and binding on the Local Agency until the execution and delivery of the Pricing Confirmation. The Authorized Representatives are each hereby further authorized and directed to execute and deliver the Pricing Confirmation in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed __ percent (__%) per annum, the discount on the Note, when added to the Local Agency's share of the costs of issuance of the Bonds, shall not exceed one percent (1.0%), and the Principal Amount shall not exceed the Maximum Amount of Borrowing. Delivery of an executed copy of the Pricing Confirmation by fax or telecopy shall be deemed effective execution and delivery for all purposes.

Section 5. Program Approval. The Pricing Confirmation shall indicate whether and what type of Credit Instrument and, if applicable, Reserve Credit Instrument will apply.

The forms of Indenture, alternative general types and forms of Credit Agreements, if any, and alternative general types and forms of Reserve Credit Agreements, if any, presented to this meeting are hereby acknowledged, and it is acknowledged that the Authority will execute and deliver the Indenture, one or more Credit Agreements, if applicable, and one or more Reserve Credit Agreements, if applicable, which shall be identified in the Pricing Confirmation, in substantially one or more of said forms with such changes therein as the Authorized Representative who executes the Pricing Confirmation shall require or approve (substantially final forms of the Indenture, the Credit Agreement and, if applicable, the Reserve Credit Agreement are to be delivered to the Authorized Representative concurrent with the Pricing Confirmation), such approval of the Authorized Representative and this Legislative Body to be conclusively evidenced by the execution of the Pricing Confirmation. If the Credit Agreement identified in the Pricing Confirmation is the Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds pursuant to and as provided in the Reserve Indenture as finally executed.

Any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Underwriter with such information relating to the Local Agency as the Underwriter shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement of the Authority. Upon inclusion of the information relating to the Local Agency therein, the Preliminary Official Statement and Official Statement or such other offering document is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the Local Agency and any Authorized Representative of the Local Agency is authorized to execute a certificate to such effect. If, at any time prior to the end of the underwriting period, as defined in the Rule, any event occurs as a result of which the information contained in the Preliminary Official Statement or other offering document relating to the Local Agency might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Local Agency shall promptly notify the Underwriter.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which full reimbursement on a draw, payment or claim has not been made by the Maturity Date shall be deemed outstanding and shall not be deemed to be paid until (i) any Credit Provider providing a Credit Instrument with respect to the Note or the Series of Bonds issued in connection with the Note, has been reimbursed for any drawings, payments or claims made under or from the Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the applicable Credit Agreement, and, (ii) the holders of the Note, or Series of the Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Reserve Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Reserve Credit Instrument, if any, applies for which full reimbursement on a Drawing has not been made by the Reserve Principal Payment Date shall be deemed outstanding and shall not be deemed paid until (i) any Reserve Credit Provider providing a Reserve Credit Instrument with respect to the Reserve Bonds (against the Reserve Fund of which such Drawing was made) has been reimbursed for any Drawing or payment made under the Reserve Credit Instrument with respect to the Note, including interest accrued thereon, as provided

therein and in the Reserve Credit Agreement, and (ii) the holders of the Note, or Series of Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For the purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

The Local Agency agrees to pay or cause to be paid, in addition to the amounts payable under the Note, any fees or expenses of the Trustee and, to the extent permitted by law, if the Local Agency's Note is secured in whole or in part by a Credit Instrument and, if applicable, a Reserve Credit Instrument (by virtue of the fact that the Series of Bonds is secured by a Credit Instrument and, if applicable, Reserve Bonds are secured by a Reserve Credit Instrument), any Predefault Obligations and Reimbursement Obligations (to the extent not payable under the Note), (i) arising out of an "Event of Default" hereunder (or pursuant to Section 7 hereof) or (ii) arising out of any other event (other than an event arising solely as a result of or otherwise attributable to a default by any other Issuer). In the case described in (ii) above with respect to Predefault Obligations, the Local Agency shall owe only the percentage of such fees, expenses and Predefault Obligations equal to the ratio of the principal amount of its Note over the aggregate principal amounts of all notes, including the Note, of the Series of which the Note is a part, at the time of original issuance of such Series. Such additional amounts will be paid by the Local Agency within twenty-five (25) days of receipt by the Local Agency of a bill therefor from the Trustee.

Section 6. No Joint Obligation. The Note will be issued in conjunction with a note or notes of one or more other Issuers, assigned to secure a Series of Bonds. In all cases, the obligation of the Local Agency to make payments on or in respect to its Note is a several and not a joint obligation and is strictly limited to the Local Agency's repayment obligation under this Resolution and the Note.

Section 7. Disposition of Proceeds of Note. A portion of the moneys received from the sale of the Note in an amount equal to the Local Agency's share of the costs of issuance (which shall include any fees and expenses in connection with any Credit Instrument (and the Reserve Credit Instrument, if any) applicable to the Note or Series of Bonds and the corresponding Reserve Bonds, if any) shall be deposited in the Costs of Issuance Fund held and invested by the Trustee under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The balance of the moneys received from the sale of the Note to the Authority shall be deposited in the Local Agency's Proceeds Subaccount hereby authorized to be created pursuant to, and held and invested by the Trustee under, the Indenture for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Subaccount as specified in the Indenture. Amounts in the Proceeds Subaccount are hereby pledged to the payment of the Note. The Trustee will not create subaccounts within the Proceeds Fund, but will keep records to account separately for proceeds of the Bonds allocable to the Local Agency's Note on deposit in the Proceeds Fund which shall constitute the Local Agency's Proceeds Subaccount.

Section 8. Source of Payment.

(A) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1995-1996 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency hereby pledges certain unrestricted revenues (as hereinafter provided, the "Pledged Revenues")

which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1995-1996, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such Pledged Revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1995-1996 and which are generally available for the payment of current expenses and other obligations of the Local Agency. The Noteholders, Bondholders, Credit Provider and, if applicable, the Reserve Credit Provider shall have a first lien and charge on such certain unrestricted revenues as hereinafter provided which are received by the Local Agency and are attributable to Fiscal Year 1995-1996.

In order to effect the pledge referenced in the preceding paragraph, the Local Agency hereby agrees and covenants to establish and maintain a special account within the Local Agency's general fund to be designated the "1995 Tax and Revenue Anticipation Note Payment Account" (the "Payment Account") and further agrees and covenants to maintain the Payment Account until the payment of the principal of the Note and the interest thereon. Notwithstanding the foregoing, if the Local Agency elects to have Note proceeds invested in Permitted Investments to be held by the Trustee pursuant to the Pricing Confirmation, a subaccount of the Payment Account (the "Payment Subaccount") shall be established for the Local Agency under the Indenture and proceeds credited to such account shall be pledged to the payment of the Note. The Trustee need not create a subaccount, but may keep a record to account separately for proceeds of the Note so held and invested by the Trustee which record shall constitute the Local Agency's Proceeds Subaccount. Transfers from the Payment Subaccount shall be made in accordance with the Indenture. The Local Agency agrees to transfer to and deposit in the Payment Account the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1995-1996) until the amount on deposit in the Payment Account, together with the amount, if any, on deposit in the Payment Subaccount, is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentage of the principal and interest due on the Note at maturity specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Account from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Account shall nevertheless be subject to the lien and charge created herein. Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note at maturity required to be on deposit in the Payment Account and/or the Payment Subaccount in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such Authorized Representative; provided, however, that the maximum number of Repayment Months shall be six and the maximum amount of Pledged Revenues required to be deposited in each Repayment Month shall not exceed fifty percent (50%) of the principal and interest due on the Note at maturity. In the event on the day in each such Repayment Month that a deposit to the Payment Account is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Account of the full amount of Pledged Revenues to be deposited in the Payment Account from said unrestricted revenues in said month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available.

(B) Any moneys placed in the Payment Account or the Payment Subaccount shall be for the benefit of (i) the holder of the Note and the holders of Bonds issued in connection with the Notes, (ii) (to the extent provided in the Indenture) the Credit Provider, if any, and (iii) (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the Reserve Credit Provider, if any. The moneys in the Payment Account and the Payment Subaccount shall be applied only for the purposes for which such Accounts are created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity (in accordance with the requirements for defeasance of the Bonds as set forth in the Indenture) and, if applicable, (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the payment of all Predefault Obligations and Reimbursement Obligations owing to the Credit Provider and, if applicable, the Reserve Credit Provider.

(C) The Local Agency hereby directs the Trustee to transfer, at least two (2) Business Days (as defined in the Indenture) prior to the Note Maturity Date (as defined in the Indenture), any moneys in the Payment Subaccount to the Bond Payment Fund (as defined in the Indenture). In addition, at least two (2) Business Days prior to the Maturity Date of the Note, the moneys in the Payment Account shall be transferred by the Local Agency to the Trustee, to the extent necessary, to pay the principal of and interest on the Note or to reimburse the Credit Provider for payments made under or pursuant to the Credit Instrument. In the event that moneys in the Payment Account and/or the Payment Subaccount are insufficient to pay the principal of and interest on the Note in full on the Maturity Date, such moneys shall be applied in the following priority: first to pay interest on the Note; second to pay principal of the Note; third to reimburse the Credit Provider for payment, if any, of interest with respect to the Note; fourth to reimburse the Credit Provider for payment, if any, of principal with respect to the Note; fifth to reimburse the Reserve Credit Provider, if any, for payment, if any, of interest with respect to the Note; sixth to reimburse the Reserve Credit Provider, if any, for payment, if any, of principal with respect to the Note; and seventh to pay any Reimbursement Obligations of the Local Agency and any of the Local Agency's pro rata share of Predefault Obligations owing to the Credit Provider and Reserve Credit Provider (if any) as applicable. Any moneys remaining in or accruing to the Payment Account and/or the Payment Subaccount after the principal of the Note and the interest thereon and any Predefault Obligations and Reimbursement Obligations, if applicable, have been paid, or provision for such payment has been made, shall be transferred to the general fund of the Local Agency, subject to any other disposition required by the Indenture, or, if applicable, the Credit Agreement. Nothing herein shall be deemed to relieve the Local Agency from its obligation to pay its Note in full on the Maturity Date.

(D) Moneys in the Proceeds Subaccount and in the Payment Subaccount shall be invested by the Trustee pursuant to the Indenture as directed by the Local Agency in Permitted Investments as described in and under the terms of the Indenture. Any such investment by the Trustee shall be for the account and risk of the Local Agency, and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, the Predefault Obligations or Reimbursement Obligations, if any, by reason of such investment of the moneys in its Proceeds Subaccount or the Payment Subaccount.

(E) At the written request of the Credit Provider, if any, or the Reserve Credit Provider, if any, the Local Agency shall, within ten (10) Business Days following the receipt of such written request, file such report or reports to evidence the transfer to and deposit in the Payment Account required by this Section 8 and provide such additional financial information as may be required by the Credit Provider, if any, or the Reserve Credit Provider, if any.

Section 9. Execution of Note. Any one of the Authorized Representatives of the Local Agency or any other officer designated by the Legislative Body shall be authorized to execute the Note by manual or facsimile signature and the Secretary or Clerk of the Legislative Body of the Local Agency,

or any duly appointed assistant thereto, shall be authorized to countersign the Note by manual or facsimile signature. Said Authorized Representative of the Local Agency, is hereby authorized to cause the blank spaces of the Note to be filled in as may be appropriate pursuant to the Pricing Confirmation. The Authorized Representative is hereby authorized and directed to cause the Authority to assign the Note to the Trustee, pursuant to the terms and conditions of the Purchase Agreement, this Resolution and the Indenture. In case any Authorized Representative whose signature shall appear on any Note shall cease to be an Authorized Representative before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Note need not bear the seal of the Local Agency, if any.

Section 10. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 11. Representations and Covenants of the Local Agency.

The Local Agency makes the following representations for the benefit of the holder of the Note, the owners of the Bonds, the Credit Provider, if any, and the Reserve Credit Provider, if any:

(A) The Local Agency is duly organized and existing under and by virtue of the laws of the State of California and has all necessary power and authority to (i) adopt this Resolution and perform its obligations thereunder, (ii) enter into and perform its obligations under the Purchase Agreement, and (iii) issue the Note and perform its obligations thereunder.

(B) (i) Upon the issuance of the Note, the Local Agency shall have taken all action required to be taken by it to authorize the issuance and delivery of the Note and the performance of its obligations thereunder, and (ii) the Local Agency has full legal right, power and authority to issue and deliver the Note.

(C) The issuance of the Note, the adoption of the Resolution and the execution and delivery of the Purchase Agreement, and compliance with the provisions hereof and thereof do not conflict with, breach or violate any law, administrative regulation, court decree, resolution, charter, by-laws or other agreement to which the Local Agency is subject or by which it is bound.

(D) Except as may be required under blue sky or other securities laws of any state or Section 3(a)(2) of the Securities Act of 1933, there is no consent, approval, authorization or other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the Local Agency required for the issuance and sale of the Note or the consummation by the Local Agency of the other transactions contemplated by this Resolution, except those the Local Agency shall obtain or perform prior to or upon the issuance of the Note.

(E) The Local Agency has (or will have prior to the issuance of the Note) duly, regularly and properly adopted a preliminary budget for Fiscal Year 1995-1996 setting forth expected revenues and expenditures and has complied with all statutory and regulatory requirements with respect to the adoption of such budget. The Local Agency hereby covenants that it shall (i) duly, regularly and properly prepare and adopt its final budget for Fiscal Year 1995-1996, (ii) provide to the Trustee, the Credit Provider, if any, the Reserve Credit Provider, if any, and the Underwriter, promptly upon adoption, copies of such final budget and of any subsequent revisions, modifications or amendments thereto and (iii) comply with all applicable laws pertaining to its budget.

(F) The sum of the principal amount of the Local Agency's Note plus the interest payable thereon, on the date of its issuance, shall not exceed fifty percent (50%) of the estimated amounts of the Local Agency's uncollected taxes, income, revenue (including, but not limited to, revenue from

the state and federal governments), cash receipts, and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1995-1996, all of which will be legally available to pay principal of and interest on the Note.

(G) The Local Agency (i) has not defaulted within the past twenty (20) years, and is not currently in default, on any debt obligation and (ii), to the best knowledge of the Local Agency, has never defaulted on any debt obligation.

(H) The Local Agency's most recent audited financial statements present fairly the financial condition of the Local Agency as of the date thereof and the results of operation for the period covered thereby. Except as has been disclosed to the Underwriter, the Credit Provider, if any, and the Reserve Credit Provider, if any, there has been no change in the financial condition of the Local Agency since the date of such audited financial statements that will in the reasonable opinion of the Local Agency materially impair its ability to perform its obligations under this Resolution and the Note. The Local Agency agrees to furnish to the Authority, the Underwriter, the Trustee, the Credit Provider, if any, and the Reserve Credit Provider, if any, promptly, from time to time, such information regarding the operations, financial condition and property of the Local Agency as such party may reasonably request.

(I) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, arbitrator, governmental or other board, body or official, pending or, to the best knowledge of the Local Agency, threatened against or affecting the Local Agency questioning the validity of any proceeding taken or to be taken by the Local Agency in connection with the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution, or seeking to prohibit, restrain or enjoin the execution, delivery or performance by the Local Agency of any of the foregoing, or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the Local Agency's financial condition or results of operations or on the ability of the Local Agency to conduct its activities as presently conducted or as proposed or contemplated to be conducted, or would materially adversely affect the validity or enforceability of, or the authority or ability of the Local Agency to perform its obligations under, the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution.

(J) Upon issuance of the Note and execution of the Purchase Contract, this Resolution, the Purchase Contract and the Note will constitute legal, valid and binding agreements of the Local Agency, enforceable in accordance with their respective terms, except as such enforceability may be limited by bankruptcy or other laws affecting creditors' rights generally, the application of equitable principles if equitable remedies are sought, the exercise of judicial discretion in appropriate cases and the limitations on legal remedies against local agencies, as applicable, in the State of California.

(K) The Local Agency and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them, if any, for the levy, receipt, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Note.

(L) The Local Agency shall not incur any indebtedness secured by a pledge of its Pledged Revenues unless such pledge is subordinate in all respects to the pledge of Pledged Revenues hereunder.

(M) So long as the Credit Provider, if any, is not in default under the Credit Instrument or the Reserve Credit Provider, if any, is not in default under the corresponding Reserve Credit Agreement, the Local Agency hereby agrees to pay its pro rata share of all Predefault Obligations and all Reimbursement Obligations attributable to the Local Agency in accordance with provisions of the Credit Agreement, if any, the Reserve Credit Agreement, if any, and/or the Indenture, as applicable.

Prior to the Maturity Date, moneys in the Local Agency's Payment Account and/or Payment Subaccount shall not be used to make such payments. The Local Agency shall pay such amounts promptly upon receipt of notice from the Credit Provider or from the Reserve Credit Provider, if applicable, that such amounts are due to it.

(N) So long as any Bonds issued in connection with the Notes are Outstanding, or any Predefault Obligation or Reimbursement Obligation is outstanding, the Local Agency will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

Section 12. Tax Covenants. (A) The Local Agency shall not take any action or fail to take any action if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Note or Bonds under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the Local Agency shall not make any use of the proceeds of the Note or Bonds or any other funds of the Local Agency which would cause the Note or Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code, a "private activity bond" within the meaning of Section 141(a) of the Code, or an obligation the interest on which is subject to federal income taxation because it is "federally guaranteed" as provided in Section 149(b) of the Code. The Local Agency, with respect to the proceeds of the Note, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued or applicable thereunder to the extent that such requirements are, at the time, applicable and in effect.

(B) The Local Agency hereby (i) represents that the aggregate face amount of all tax-exempt obligations (including any tax-exempt leases, but excluding private activity bonds), issued and to be issued by the Local Agency during calendar year 1995, including the Note, is not reasonably expected to exceed \$5,000,000; or (ii) covenants that the Local Agency will take all legally permissible steps necessary to ensure that all of the gross proceeds of the Note will be expended no later than the day that is six months after the date of issuance of the Note so as to satisfy the requirements of Section 148(f)(4)(B) of the Code.

(C) Notwithstanding any other provision of this Resolution to the contrary, upon the Local Agency's failure to observe, or refusal to comply with, the covenants contained in this Section 12, no one other than the holders or former holders of the Note, the owners of the Bond, the Credit Provider, if any, the Reserve Credit Provider, if any, or the Trustee on their behalf shall be entitled to exercise any right or remedy under this Resolution on the basis of the Local Agency's failure to observe, or refusal to comply with, such covenants.

(D) The covenants contained in this Section 12 shall survive the payment of the Note.

Section 13. Events of Default and Remedies.

If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(A) Failure by the Local Agency to make or cause to be made the transfers and deposits to the Payment Account, or any other payment required to be paid hereunder, including payment of principal and interest on the Note, on or before the date on which such transfer, deposit or other payment is due and payable;

(B) Failure by the Local Agency to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given

to the Local Agency by the Trustee, the Credit Provider, if applicable, or the Reserve Credit Provider, if applicable, unless the Trustee and the Credit Provider or the Reserve Credit Provider, if applicable, shall all agree in writing to an extension of such time prior to its expiration;

(C) Any warranty, representation or other statement by or on behalf of the Local Agency contained in this Resolution or the Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the Local Agency or in any instrument furnished in compliance with or in reference to this Resolution or the Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(D) A petition is filed against the Local Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect and is not dismissed within 30 days after such filing, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' (or Noteholders') interests;

(E) The Local Agency files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(F) The Local Agency admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the Local Agency or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' or Noteholders' interests.

Whenever any Event of Default referred to in this Section 13 shall have happened and be continuing, the Trustee, as holder of the Note, shall, in addition to any other remedies provided herein or by law or under the Indenture, if applicable, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the Local Agency to pay to the Trustee, as holder of the Note, an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the Local Agency the same shall become immediately due and payable by the Local Agency without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder and under the Note or to enforce any other of its rights hereunder.

Notwithstanding the foregoing, if the Local Agency's Note is secured in whole or in part by a Credit Instrument (other than the Reserve Fund) or if the Credit Provider is subrogated to rights under the Local Agency's Note, as long as the Credit Provider has not failed to comply with its payment obligations under the Credit Instrument, the Credit Provider shall have the right to direct the remedies upon any Event of Default hereunder, and, notwithstanding the foregoing, if a Reserve Credit Instrument is applicable, as long as the Reserve Credit Provider has not failed to comply with its payment obligations

under the Reserve Credit Agreement, the Reserve Credit Provider shall have the right (prior to the Credit Provider) to direct the remedies upon any Event of Default hereunder, in each case so long as such action will not materially adversely affect the rights of any Bond Owner, and the Credit Provider's and Reserve Credit Provider's (if any) prior consent shall be required to any remedial action proposed to be taken by the Trustee hereunder.

If the Credit Provider is not reimbursed on the Maturity Date for the drawing, payment or claim, as applicable, used to pay principal of and interest on the Note due to a default in payment on the Note by the Local Agency, or if any principal of or interest on the Note remains unpaid after the Maturity Date, the Note shall be a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been made shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

If the Credit Instrument is the Reserve Fund and the Reserve Bonds are secured by the Reserve Credit Instrument and all principal of and interest on the Note is not paid in full by the Reserve Principal Payment Date, the Defaulted Note shall become a Defaulted Reserve Note and the unpaid portion (including the interest component, if applicable) thereof (or the portion thereof with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Reserve Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

Section 14. Trustee. The Local Agency hereby directs and authorizes the payment by the Trustee of the interest on and principal of the Note when such become due and payable, from amounts received by the Trustee from the Local Agency in the manner set forth herein. The Local Agency hereby covenants to deposit funds in such account or fund, as applicable, at the time and in the amount specified herein to provide sufficient moneys to pay the principal of and interest on the Note on the day on which it matures. Payment of the Note shall be in accordance with the terms of the Note and this Resolution.

Section 15. Sale of Note. The Note shall be sold to the Authority, in accordance with the terms of the Purchase Agreement, hereinbefore approved, and issued payable to the Trustee, as assignee of the Authority.

Section 16. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 17. Approval of Actions. The aforementioned Authorized Representatives of the Local Agency are hereby authorized and directed to execute the Note and cause the Trustee to accept delivery of the Note, pursuant to the terms and conditions of the Purchase Agreement and the Indenture. All actions heretofore taken by the officers and agents of the Local Agency or this Legislative Body with respect to the sale and issuance of the Note and participation in the Program are hereby approved, confirmed and ratified and the Authorized Representatives and agents of the Local Agency are hereby authorized and directed, for and in the name and on behalf of the Local Agency, to do any and all things and take any and all actions and execute 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 Note in accordance with, and related transactions contemplated by, this Resolution. The Authorized Representatives of the Local Agency referred to above in Section 4 hereof are hereby designated as "Authorized Local Agency Representatives" under the Indenture.

In the event that the Note or a portion thereof is secured by a Credit Instrument, any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Credit Provider and, if applicable, the Reserve Credit Provider, with any and all information relating to the Local Agency as such Credit Provider or Reserve Credit Provider may reasonably request.

Section 18. Proceedings Constitute Contract. The provisions of the Note and of this Resolution shall constitute a contract between the Local Agency and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrevocable. The Credit Provider, if any, and the Reserve Credit Provider, if any, are third party beneficiaries of the provisions of this Resolution and the Note.

Section 19. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the Local Agency shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 8 hereof.

Section 20. Amendments. At any time or from time to time, the Local Agency may adopt one or more Supplemental Resolutions with the written consents of the Authority, the Credit Provider, if any, and the Reserve Credit Provider, if any, but without the necessity for consent of the owner of the Note or of the Bonds issued in connection with the Note for any one or more of the following purposes:

(A) to add to the covenants and agreements of the Local Agency in this Resolution, other covenants and agreements to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(B) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(C) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(D) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(E) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owners of the Note or of the Bonds issued in connection with the Notes.

Any modifications or amendment of this Resolution and of the rights and obligations of the Local Agency and of the owner of the Note or of the Bonds issued in connection with the Note may be made by a Supplemental Resolution, with the written consent of the owners of at least a majority in principal amount of the Note and of the Bonds issued in connection with the Note outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note or any Bonds issued in connection with the Note remain outstanding, the consent of the owners of such Note or of such Bonds shall not be required. No such modification or amendment shall permit a change in the maturity of the Note or a reduction of the principal amount

thereof or an extension of the time of any payment thereon or a reduction of the rate of interest thereon, or a change in the date or amounts of the pledge set forth in this Resolution, without the consent of the owners of such Note or the owners of all the Bonds issued in connection with the Note, or shall reduce the percentage of the Note or Bonds the consent of the owners of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee without its written assent thereto.

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program.

Section 23. Appointment of Underwriter. Sutro & Co. Incorporated, Los Angeles, California, together with such co-underwriters, if any, identified in the Purchase Contract, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

- (A) Name of Local Agency: CITY OF MODESTO
- (B) Maximum Amount of Borrowing: \$3,000,000
- (C) Authorized Representatives:

TITLE

- 1. Director of Finance
- 2. _____
- 3. _____
- 4. _____

[Attach form of Certification of the Secretary or Clerk of the Legislative Body, with respect to the Resolution, if desired (such form of Certification is not required).]

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

[NAME OF LOCAL AGENCY]
1995-1996 TAX AND REVENUE ANTICIPATION NOTE, [SERIES ___]^{2/}

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
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REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

FOR VALUE RECEIVED, the Local Agency designated above (the "Local Agency"), acknowledges itself indebted to and promises to pay to the registered owner identified above, or registered assigns, on the maturity date set forth above, the principal sum specified above in lawful money of the United States of America, together with interest thereon at the rate of interest specified above (the "Note Rate"). Principal of and interest on this Note are payable in such coin or currency of the United States as at the time of payment is legal tender for payment of private and public debts, such principal and interest to be paid upon surrender hereof at the principal corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California, or its successor in trust (the "Trustee"). Interest shall be calculated on the basis of a 360-day year, consisting of twelve 30-day months, in like lawful money from the date hereof until the maturity date specified above and, if funds are not provided for payment at maturity, thereafter on the basis of a 360-day year for actual days elapsed until payment in full of said principal sum. Both the principal of and interest on this Note shall be payable only to the registered owner hereof upon surrender of this Note as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the holder hereof fails to properly present this Note for payment. If the Local Agency fails to pay this Note when due or the Credit Provider (as defined in the Resolution hereinafter described and in that certain Indenture of Trust, dated as of _____ 1, 1995 (the "Indenture"), by and between the California Statewide Communities Development Authority and U.S. Trust Company of California, N.A., as trustee), if any, is not reimbursed in full for the amount drawn on or paid pursuant to the Credit Instrument (as defined in the Resolution and the Indenture) to pay all or a portion (including the interest component, if applicable) of this Note on the date of such payment, this Note shall become a Defaulted Note (as defined in the Resolution and the Indenture and with the consequences set forth in the Resolution and the Indenture, including, without limitation, that this Note as a Defaulted Note (and any related reimbursement obligation with respect to a credit instrument) shall bear interest at the Default Rate, as defined in the Indenture).

It is hereby certified, recited and declared that this Note represents the authorized issue of the Note in the aggregate principal amount authorized, executed and delivered pursuant to and by authority of certain resolutions of the Local Agency duly passed and adopted heretofore, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the "Resolution"), to all of the provisions and limitations of which the owner of this Note, by acceptance hereof, assents and agrees.

The principal of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1995-1996 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency has pledged the first amounts of unrestricted revenues of the Local Agency received on the last day of ____ and ____ (and any amounts received thereafter attributable to Fiscal Year 1995-1996) until the amount on deposit in the Payment Account (as defined in the Resolution), together with available amounts, if any, on deposit in the Payment Subaccount (as defined in the Resolution) in each such month, is equal to the corresponding percentages of principal of and interest due on the Note at maturity set forth in the Pricing Confirmation (as defined in the Resolution) (such pledged amounts being hereinafter called the "Pledged Revenues"), and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues, and to the extent not so paid shall

^{2/} If more than one Series of Bonds is issued under the Program in Fiscal Year 1995-1996 and if the Note is pooled with notes issued by other Issuers (as defined in the Resolution).

be paid from any other moneys of the Local Agency lawfully available therefor as set forth in the Resolution. The full faith and credit of the Local Agency is not pledged to the payment of the principal of or interest on this Note.

The Local Agency and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Local Agency and the Trustee shall not be affected by any notice to the contrary.

It is hereby certified that all of the conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of California and that the amount of this Note, together with all other indebtedness of the Local Agency, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

IN WITNESS WHEREOF, the Legislative Body of the Local Agency has caused this Note to be executed by the manual or facsimile signature of a duly Authorized Representative of the Local Agency and countersigned by the manual or facsimile signature of the Secretary or Clerk of the Legislative Body as of the date of authentication set forth below.

[NAME OF LOCAL AGENCY]

By _____
Title:

Countersigned

By _____
Title:

MODESTO CITY COUNCIL
RESOLUTION NO. 95-263

A RESOLUTION ESTABLISHING PARKS AND RECREATION PRIORITIES AND FEES FOR USE OF AQUATICS FACILITIES AT THE MJC, HIGH SCHOOL AND NEIGHBORHOOD POOL SITES AND FOR CO-SPONSORED PROGRAMS.

WHEREAS, on June 6, 1995, the City Council approved a Parks and Recreation Department Use Policy and Fee Structure Aquatics Program, and

WHEREAS, the Parks and Recreation Department has recommended the implementation of fees relating to the use of aquatics facilities at the MJC, High school and Neighborhood pool sites, and has set priorities for the use of said facilities

WHEREAS, the establishment of said fees was set for a public hearing of the City Council to be held on June 6, 1995, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider the establishment of said fees,


NOW, THEREFORE, BE IT RESOLVED that the priorities and fees for use of aquatics facilities at the MJC, High School and Neighborhood pool sites and for co-sponsored programs are hereby approved and established as are set forth on Exhibits "A" and B, attached hereto and incorporated herein by reference, respectively.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

III. AQUATIC FACILITY USE PRIORITIES, FEE STRUCTURE AND SPECIAL SERVICES

A. Use Priorities and Fee Structure

- #1. City of Modesto and/or Co-sponsored programs*, City of Modesto Swim Team, SOSF/SPLASH - Modesto/Stansislaus Water Polo and the Yosemite Community College District activities or fundraisers.
(MJC, High School and Neighborhood Pool Sites).

NO USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 50% USAGE FEE FOR COST OF SERVICE

- #2. Local (majority of participants have Modesto mailing address) Public Schools and College programs, activities or fundraisers.
(MJC, High School and Neighborhood Pool Sites.)

50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

- #3. Local (majority of participants have Modesto mailing address) Non-profit** Groups and Organizations programs, activities, or fundraisers.*** **** *****
(MJC and High School pools.)

No Membership Fee:

50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

Membership Fee:

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE,
plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT
(Note: membership fee is a fee paid by group members
in order to participate in the group activity.)

* Co-sponsored program: City of Modesto Swim Team, SOSF/SPLASH, Yosemite Community College District (per written agreement) and/or a program that meets specific criteria as set for by the Parks and Recreation Department.

** Proof of tax-exempt status required.

*** Facility Supervisor will be required and cost is included in rental fee.

**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.

***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Life-guard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.
(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)

#4. Non-local (majority of participants do not have Modesto mailing address) public schools and college programs, activities or fundraisers.*** **** *****
(MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE,
plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#5. Non-local (majority of participants do not have Modesto mailing address) Non-profit** groups and organizations programs, activities or fundraisers. ***
**** *****
(MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus
A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#6. Corporations and Businesses and Private Citizens (Not For Profit).*** **** *****
(MJC and High School pools. Private Citizens are permitted to rent the Neighborhood pools through the Wading Pool Parties for Children program.)

FAIR RENTAL VALUE AS DETERMINED BY THE MODESTO CITY
SCHOOL DISTRICT (MJC and High School pools).

PROGRAM FEES FOR WADING POOL PARTIES for CHILDREN
(Neighborhood pools).

B. Special Services

1. Special Services; i.e., cashier, tables, chairs, p.a. system. Services of this type will be offered and the fee will be negotiated.

** Proof of tax-exempt status required.

*** Facility Supervisor will be required and cost is included in rental fee.

**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.

***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.

(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)

CITY OF MODESTO PARKS AND RECREATION DEPARTMENT

HIGH SCHOOL/MODESTO JUNIOR COLLEGE POOL

RENTAL FEE

FUNDRAISER FEE

No Fee	Priority #1	\$ 21.00 first two hours	\$ 6.00 each additional hour
\$ 21.00 first two hours	Priority #2	\$ 42.00 first two hours	\$ 11.00 each additional hour
\$ 6.00 each additional hour			
	Priority #3 (No Membership Fee)	\$ 64.00 first two hours	\$ 22.00 each additional hour
\$ 32.00 first two hours		\$ 22.00 each additional hour	
\$ 11.00 each additional hour			
	(Membership Fee)	\$ 64.00 first two hours	\$ 22.00 each additional hour
\$ 64.00 first two hours		Plus a negotiated percentage of	the gross income of event.
\$ 22.00 each additional hour			
	Priority #4	\$ 64.00 first two hours	\$ 22.00 each additional hour
\$ 64.00 first two hours		Plus a negotiated percentage of	the gross income of event.
\$ 22.00 each additional hour			
	Priority #5	\$ 64.00 first two hours	\$ 22.00 each additional hour
\$ 64.00 first two hours		Plus a negotiated percentage of	the gross income of event.
\$ 22.00 each additional hour			
	Priority #6	\$110.00 first two hours	\$ 45.00 each additional hour
\$110.00 first two hours			
\$ 45.00 each additional hour			

JOHANSEN HIGH SCHOOL POOL

RENTAL FEE

FUNDRAISER FEE

No Fee	Priority #1	\$ 41.00 first two hours	\$ 13.00 each additional hour
\$ 41.00 first two hours	Priority #2	\$ 82.00 first two hours	\$ 26.00 each additional hour
\$ 13.00 each additional hour			
	Priority #3 (No Membership Fee)	\$ 120.00 first two hours	\$ 46.00 each additional hour
\$ 60.00 first two hours			
\$ 23.00 each additional hour			
	(Membership Fee)	\$ 120.00 first two hours	\$ 46.00 each additional hour
\$ 120.00 first two hours			Plus a negotiated percentage of gross income of event.
\$ 46.00 each additional hour			
	Priority #4	\$ 120.00 first two hours	\$ 46.00 each additional hour
\$ 120.00 first two hours			Plus a negotiated percentage of the gross income of event.
\$ 46.00 each additional hour			
	Priority #5	\$ 120.00 first two hours	\$ 46.00 each additional hour
\$ 120.00 first two hours			Plus a negotiated percentage of gross income of event.
\$ 46.00 each additional hour			
	Priority #6		
\$ 198.00 first two hours			
\$ 89.00 each additional hour			

NEIGHBORHOOD PARK POOLS

RENTAL FEE

FUNDRAISER FEE

	Priority #1	
No Fee		\$ 17.00 first two hours
		\$ 4.00 each additional hour
	Priority #2	
\$ 17.00	first two hours	\$ 34.00 first two hours
\$ 4.00	each additional hour	\$ 7.00 each additional hour
	Priority #6	
	(Wading Pool Parties for Children)	
\$ 77.00	first two hours	
\$ 10.00	each additional 1/2 hour	
\$ 4.00	per participant for Super Celebration	

MODESTO CITY COUNCIL
RESOLUTION NO. 95-264

A RESOLUTION APPROVING AN AQUATICS USE POLICY FOR USE OF THE HIGH SCHOOL POOLS, MODESTO JUNIOR COLLEGE POOL, AND NEIGHBORHOOD PARK POOLS

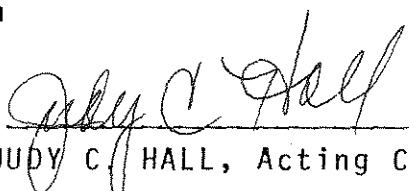
WHEREAS, it has been deemed necessary to develop an aquatics use policy for use of high school pools, Modesto Junior College pool, and neighborhood park pools; and

WHEREAS, staff, user groups, and the Human Services/Public Safety Committee have met and agreed on a policy for the use of aquatic facilities.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the policy entitled, "Aquatics Use Policy", 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 6th day of June, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

CITY OF MODESTO
PARKS AND RECREATION DEPARTMENT

USE POLICY AND FEE STRUCTURE
AQUATICS PROGRAM

I. AUTHORITIES FOR USE POLICY AND FEE STRUCTURE

- A. The Modesto City Council Financial Policy Committee requested staff to explore methods and opportunities for increased revenue generation in June, 1992.
- B. The Modesto City Council Fiscal Year 94-95 Budget Policy Guidelines state: "Identify opportunities for user fees to fund services, especially those provided to only a portion of the community."
- C. The increased demand for use of the aquatic facilities by non-profit community groups and organizations.
- D. The construction and operation of the Johansen High School Pool in June, 1993.
- E. 1994 Parks and Recreation Department Organization Study, Recommendation #9, The City should re-evaluate the Aquatics program.
- F. Modesto City School District of Stanislaus County initiated fees for use of school facilities, including swimming pools, effective July 1, 1993.

II. USE POLICY ACTIONS

A. Mission Statement for Use Policy

The primary purpose of the Aquatics program is to provide City sponsored class instruction and recreational swimming and to facilitate use of school and neighborhood park pools with the City of Modesto Swim Team, SOSF/SPLASH, schools, non-profit groups and organizations, corporations and businesses, and private citizens.

B. Program Objectives for Use Policy

- 1. To provide supervised and well planned instructional and recreational aquatic programs for community residents.
- 2. To encourage community use of aquatic facilities by non-profit groups and organizations, corporations and businesses, and private citizens.
- 3. To coordinate, facilitate and connect with other community agencies and aquatic organizations to introduce and implement programs.

4. To operate pools in a safe and sanitary manner, and be in compliance with State and local health and safety codes.
 5. To generate revenue to offset the cost of pool operation.
- C. Geographical Service Area for the Facilitation of Aquatic Facility Uses by Schools, Non-Profit Groups and Organizations, and Corporations and Businesses.
1. Policy expands the geographical service area to include schools, groups and organizations, and corporations and businesses from other cities, counties, states and countries.
- D. Allow and Increase Versatile Use of Aquatic Facilities by Community.
1. Policy allows for fundraisers* by non-profit groups and organizations.
 2. Policy allows for revenue generation through facility rentals and concessionaires.
- E. Enable Access for Use of the Aquatic Facilities to the City of Modesto Swim Team - Parent's Club Non-Profit Organization.
1. An informal co-sponsorship agreement was entered into by the City of Modesto and the Swim Team Parent's Club in 1981.
 2. The Swim Team Parent's Club was recognized as a State of California Non-Profit Organization and received tax-exempt status.
 3. Policy recommends that the City of Modesto enter into a negotiated written agreement of co-sponsorship with the Swim Team, during the time said facilities are managed by the City, with pool usage time not to exceed the allocated hours during the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program.
- F. Enable Access for Use of the Aquatic Facilities by the Save Our Sports Foundation/SPLASH Non-Profit Organization.
1. The SOSF/SPLASH Board Members were primarily made up of representatives from the City of Modesto Swim Team and Modesto/Stanslaus Water Polo.

* Fundraiser: an event where the intent is to collect more money than the actual event expense. A statement of expenses and revenues must be provided to the Parks and Recreation Department.

2. Policy allows use of a "grandfather clause" in recognition of the funds contributed to the construction of the Johansen pool, to exempt the SOSF/SPLASH Non-Profit Organization from recommended fees, with the exception of fundraising fees, at all Aquatic facilities. "Grandfather clause" to be in effect for a period of not more than five (5) years, from the effective date written agreement is entered into by the City and said Organization, unless the term of the agreement is extended by mutual consent at any time prior to the expiration date.
 3. Policy recognizes the City of Modesto Swim Team as a separate entity. SOSF/SPLASH will represent ONLY Modesto/Stanslaus Water Polo.
 4. Policy recommends that the City of Modesto enter into negotiated written agreement of co-sponsorship with SOSF/SPLASH - Modesto/Stanslaus Water Polo, during the time said facilities are managed by the City, with pool usage time not to exceed the allocation of hours in the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and the enhances the overall delivery of the Aquatics program.
- G. Enable Access for Use of Aquatic Facilities to the Yosemite Community College District Sponsored Programs.
1. Policy recognizes that the Yosemite Community College District has not initiated fee charges for any college facility usage by the City of Modesto. It is therefore recommended that a written agreement be entered into providing for reciprocal (balanced and considered equal by both jurisdictions) facility usage, including, but not limited to Aquatic facilities, by the two entities with no fee charged.
- H. Enable Access for Use of Aquatic Facilities to all Non-Profit Groups and Organizations, Corporations and Businesses, and Private Citizens.
1. Policy extends the use of pool facilities to non-aquatic non-profit groups and organizations, corporations and businesses, and private citizens. based on Aquatic facility availability.
- I. Marketing Strategy to Ensure Greater Awareness of Available Aquatic Facilities.
1. Policy includes, but not be limited to such innovative strategies as discounts, bonuses, point systems, brochures, and paid ads.

III. AQUATIC FACILITY USE PRIORITIES, FEE STRUCTURE AND SPECIAL SERVICES

A. Use Priorities and Fee Structure

- #1. City of Modesto and/or Co-sponsored programs*, City of Modesto Swim Team, SOSF/SPLASH - Modesto/Stanslaus Water Polo and the Yosemite Community College District activities or fundraisers.
(MJC, High School and Neighborhood Pool Sites).

NO USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 50% USAGE FEE FOR COST OF SERVICE

- #2. Local (majority of participants have Modesto mailing address) Public Schools and College programs, activities or fundraisers.
(MJC, High School and Neighborhood Pool Sites.)

50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

- #3. Local (majority of participants have Modesto mailing address) Non-profit** Groups and Organizations programs, activities, or fundraisers.*** **** *****
(MJC and High School pools.)

No Membership Fee:

50% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE

Membership Fee:

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT
(Note: membership fee is a fee paid by group members in order to participate in the group activity.)

* Co-sponsored program: City of Modesto Swim Team, SOSF/SPLASH, Yosemite Community College District (per written agreement) and/or a program that meets specific criteria as set for by the Parks and Recreation Department.

** Proof of tax-exempt status required.

*** Facility Supervisor will be required and cost is included in rental fee.

**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.

***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.
(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)

#4. Non-local (majority of participants do not have Modesto mailing address) public schools and college programs, activities or fundraisers.*** **** *****
(MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE,
plus A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#5. Non-local (majority of participants do not have Modesto mailing address) Non-profit** groups and organizations programs, activities or fundraisers. ***
**** *****
(MJC and High School pools.)

100% USAGE FEE FOR COST OF SERVICE

FUNDRAISERS - 100% USAGE FEE FOR COST OF SERVICE, plus
A NEGOTIATED % OF THE GROSS INCOME OF EVENT

#6. Corporations and Businesses and Private Citizens (Not For Profit).*** **** *****
(MJC and High School pools. Private Citizens are permitted to rent the Neighborhood pools through the Wading Pool Parties for Children program.)

FAIR RENTAL VALUE AS DETERMINED BY THE MODESTO CITY SCHOOL DISTRICT (MJC and High School pools).

PROGRAM FEES FOR WADING POOL PARTIES for CHILDREN
(Neighborhood pools).

B. Special Services

1. Special Services; i.e., cashier, tables, chairs, p.a. system. Services of this type will be offered and the fee will be negotiated.

** Proof of tax-exempt status required.

*** Facility Supervisor will be required and cost is included in rental fee.

**** Insurance certificate and hold harmless agreement as required by the Risk Manager must be submitted prior to usage.

***** Certified Lifeguard (Health and Safety Code, Section 24100.3), on deck, will be required for every 40 participants. Lifeguard credentials must be submitted prior to usage. User must arrange for certified lifeguards at additional cost to user.

(Note: Modesto Junior College requires 2 lifeguards with additional guards for every 30 swimmers in excess of 60 swimmers.)

IV. AQUATIC FACILITY USES NOT GRANTED

- A. Any use by an individual or group 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. (Education Code 40040 - Civic Center Act)
- B. Any use which is inconsistent with the designed use of the aquatics facility.
- C. Any use which is discriminatory in the legal sense.
- D. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances at aquatics facility. (Health & Safety Code, Section 11053)
- E. Any group or organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.

V. AQUATIC FACILITY HISTORY

High School, Junior College and Sonoma Pools

On June 24, 1952, the City of Modesto entered into an agreement with the Modesto High School District of Stanislaus County where the District permitted the City to use and operate the swimming pool on the Modesto High School grounds during the summer vacation months of each year. For the use of this pool facility, the City did not provide funds equaling one-half the total cost of construction. This pool remains in operation today under the original agreement.

Later, the City entered into agreements for the operation of pool facilities with Modesto City School District of Stanislaus County and Modesto Junior College District of Stanislaus County as follows:

Downey High School	June 26, 1957
Modesto Junior College	November 6, 1961
Davis High School	July 7, 1965
Beyer High School	June 5, 1972
Johansen High School	September 7, 1993

The above agreements were similar with the City and the School Districts, with the exception that each jurisdiction contributed a sum equal to one half of the total cost of construction of the swimming pool and at the Johansen pool, SOSF/SPLASH, a local non-profit organization, contributed funds in the amount of \$228,334, while the City and High School District each contributed funds in the amount of \$453,000 each for the total cost of construction for a 50-meter pool.

The City basically has the sole and exclusive use of these pools during summer vacation for a period of not less than twelve continuous weeks and reimburses the Districts for cost of utilities, chemicals and any property damage occasioned by the City's use of the pool.

A similar agreement exists with Sonoma pool. However, this pool was not included in this Use Policy and Fee Structure as it is primarily a pool for the disabled population. In order to serve this population, the heat is maintained at 94 degrees, a temperature higher than most users prefer.

Neighborhood Park Pools

The first neighborhood park pool was constructed in 1963 at Whitmore park. Since then, the City has constructed a total of twenty-one neighborhood park pools. These pools, originally called "wading pools", were built with the objective of providing a planned, supervised and safe program alternative to the City's canals for water play.

In recent years, these pools have been referred to as "training pools" and have also been utilized for instructional swim lessons in the Aquatics program.

Local Elementary School Districts have reserved neighborhood park pools adjacent to their school site for Spring, school sponsored, pool activities.

VI. MAJOR IMPACTS CREATED WITH THE USE POLICY AND FEE STRUCTURE

A. There has not been a fee structure for aquatic facility use at any of the pool sites. The assessed usage fee for the cost of service will initiate first time costs for the various local school pool facility users. The impact of the fee structure for neighborhood pool use will occur in the Spring, 1995, and for high school and college pool use in the Summer, 1995.

Non-local schools and colleges, local and non-local non-profit groups and organizations, corporations and businesses, and private citizens that have not previously been granted access to pool facilities will be granted access with the use policy.

Regular user groups and organizations were verbally informed of the projected user fees in the fall, 1993. Groups and organizations that have made requests for use of the aquatic facilities in the summer, 1994, have been informed of future user fees. As elementary schools requested neighborhood pool usage during the spring, 1994, they were verbally informed of fees to be charged in the spring, 1995.

In accordance with the use policy and fee structure, a subsidy (Section III.A#1,#2,#3) will be provided to local schools and non-profit groups and organizations that conduct programs that meet the mission statement and that charge no fee or a fee to cover cost of service only to the program participants. A subsidy (Section III.A#1) will be granted for fundraisers. However, for fundraiser activities (Section III.A#2,#3) there will be no subsidies. Fundraisers in these priority areas will recover 100% cost of service.

The City of Modesto Swim Team has been included as a separate entity in the use policy and fee structure, recognizing the long term relationship between the City and the Swim Team. The existing relationship will be formalized by a negotiated, written agreement, for time said facilities are managed by the City, with pool usage not to exceed the allocated hours during the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program. The Swim Team will be required to pay 50% cost of service for fundraisers, receiving a 50% subsidy.

In an effort to address the contribution provided for in the construction of the Johansen pool by the SOSF/SPLASH Non-Profit Organization, the use policy and fee structure includes a "grandfather clause" for the SOSF/SPLASH Organization. This "grandfather clause" permits Modesto/Stanislaus Water Polo use of the Aquatic facilities for no fee, for time said facilities are managed by the City, for pool usage time not to exceed the allocated hours during the 1994 summer season, unless increased pool usage time is negotiated with and approved by the City and enhances the overall delivery of the Aquatics program. SOSF/SPLASH Modesto/Stanislaus Water Polo will be required to pay 50% cost of service for fundraisers, receiving a 50% subsidy. A formal, written agreement for Aquatic facilities usage will be entered into by the City of Modesto and Modesto/Stanislaus Water Polo.

In consideration that the Yosemite Community College District - Modesto Junior College established a College Facilities - Procedures and Fees District Policy, in accordance with the Civic Center Act, and has not initiated fee charges with the City of Modesto for any college facility usage, the use policy and fee structure proposes that the City of Modesto and the Yosemite Community College District enter into a reciprocal (balanced and considered equal by both jurisdictions) facility usage agreement, including, but not limited to Aquatic facilities, where fees are not charged of either entity.

The use policy and fee structure will allow for additional user groups at 100% usage fee for cost of service, i.e., non-local schools and non-profit groups and organizations. These groups and organizations will also be permitted fundraisers at 100% usage fee for cost of service, plus a negotiated % of the gross income of the event.

Corporations and businesses and private citizens will be provided the opportunity for pool facility usage, paying a fair rental value fee for MJC and high school pools and the program fee for Children's Wading Pool Parties for the neighborhood pools.

B. Projected Revenue Generation

Spring, 1995	800
Summer, 1995	<u>1,370</u>
	2,170*

*Based on 1994 uses of pools by schools and non-profit groups.

- C. The Modesto School District of Stanislaus County initiated a fee structure for use of school facilities, including swimming pools in 1993. It is the intent of this Department to implement similar fees so major discrepancies do not exist for the user groups.
- D. The Aquatics Fee Schedule will be reviewed and updated on an annual basis.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-265

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO SWIM TEAM FOR USE OF AQUATIC FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Modesto Swim Team for use of aquatic facilities be, and it is hereby approved.

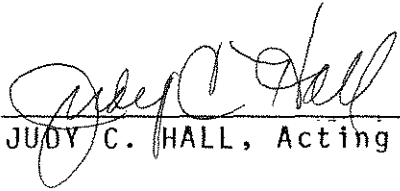
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-266

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO/STANISLAUS WATER POLO FOR USE OF AQUATIC FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto/Stanslaus Water Polo for use of aquatic facilities 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 6th day of June, 1995, by Councilmember McClanahan , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-267

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
YOSEMITE COMMUNITY COLLEGE DISTRICT FOR USE OF AQUATIC FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District, for use of aquatic facilities be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

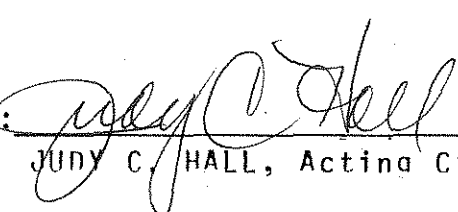
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-268

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE DIGITAL TELEPHONE RECORDER/REPRODUCER

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

SECTION 1. The specifications for the purchase of one digital telephone recorder/reproducer, copies of which are on file, are hereby accepted and approved.

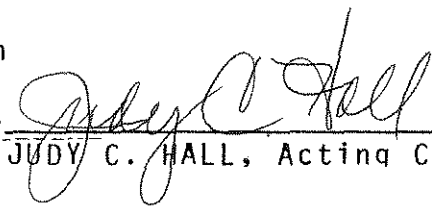
SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 16, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-269

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR PROJECT NO. 21 - REPLACE CURB, DRIVE APRONS AND SIDEWALKS

WHEREAS, bids for Project No. 21 - replace curb, drive aprons and sidewalks were opened on May 23, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

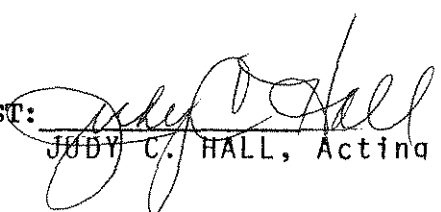
WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Teichert Construction in the amount of \$204,257.99, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 6th day of June, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-270

A RESOLUTION ACCEPTING THE BID OF DONLEE PUMP COMPANY FOR FURNISHING AND INSTALLING THREE NEW SETS OF OVERHEAD LUBE REEL SYSTEMS

WHEREAS, Resolution No. 95-188, adopted by the Council of the City of Modesto on April 25, 1995, approved the plans and specifications for the purchase and installation of three new sets of overhead lube reel systems, and authorized the calling for bids; and

WHEREAS, the bids received for the overhead lube reel systems, were opened at 11:00 a.m. on May 16, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Donlee Pump Company, in the amount of \$24,493.74, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Donlee Pump 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-271

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF FIVE MOBILE DATA TERMINALS AND RELATED ACCESSORIES FROM MOTOROLA COMMUNICATIONS, TO BE INSTALLED IN NEW POLICE VEHICLES

WHEREAS, the Police Department has requested the purchase and installation of five mobile data terminals and related accessories to be installed in new patrol vehicles; and

WHEREAS, Motorola Communications is the only company which manufacturers these mobile data terminals.

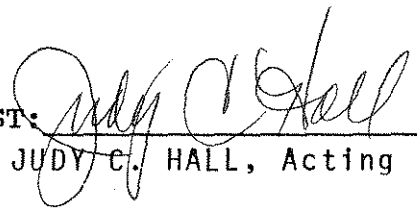
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for purchase and installation of five mobile data terminals and related accessories to be installed in new patrol vehicles be, and it is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of five mobile data terminals and related accessories from Motorola Communications, for the total price of \$37,618.05, 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 June, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

Alvin J

MODESTO CITY COUNCIL
RESOLUTION NO. 95-272

A RESOLUTION APPROVING THE FINAL DRAFT 1995
WASTEWATER MASTER PLAN AS THE PROPOSED
PROJECT TO BE STUDIED IN THE ENVIRONMENTAL
IMPACT REPORT.

WHEREAS, in September 1992, the City Council adopted
the recommendation of the Public Works and Transportation
Department Audit to develop a long-range master plan for the
wastewater treatment plant and wastewater collection system, and

WHEREAS, a long-range master plan is necessary because
the Wastewater Treatment Plant is over capacity and in need of
serious rehabilitation, and future economic development will
require significant additional wastewater collection and
treatment capacity, and

WHEREAS, a Revenue and Financing Plan is also required
to plan the financing of necessary rehabilitation and
improvements, and

WHEREAS, because of the importance of the planning of
the wastewater treatment plant and collection system on area
business and the community at large, staff solicited input and
participation of major industries, developers, commercial users
and other rate payer classes, and

WHEREAS, an ad hoc citizens committee also participated
in the master planning process and provided input at the
beginning of the project as well as comments at the draft
document stage as well, and

WHEREAS, this involvement fostered a community-based consensus on the future of wastewater services, and

WHEREAS, the Council was introduced to the Draft Wastewater Master Plan in September 1994, which incorporated input from the community and the ad hoc committee, and

WHEREAS, the draft plan includes a strategy which will meet all environmental regulations with the least burden on the economic health of the community, and

WHEREAS, the Revenue and Financing Plan (R&FP) has been underway since September 1994, and the Sewer Rate Advisory Group has been helping staff refine the R&FP for consideration in the FY 95-96 budget process and beyond, and

WHEREAS, staff recommended that the Final Draft 1995 Wastewater Master Plan be adopted as the "Proposed Project" for purposes of beginning the environmental review process which is the final phase of developing the Master Plan, and

WHEREAS, on May 15, 1995, the Utility Services and Franchise Committee heard and considered the recommendations contained in the Master Plan, thereafter recommending to the City Council approval of certain key recommendations contained therein,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby accepts and approves the Final Draft 1995 Wastewater Master Plan as the Proposed Project to be studied in the Environmental Impact Report.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-273**

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR THE NEW CITY HALL TENANT IMPROVEMENT PROJECT.

WHEREAS, the City Council authorized staff to enter into negotiations for professional services related to the new City Hall Tenant Improvement Project up to an amount of \$300,000.

WHEREAS, the funding for this project will come from the Capital Facility Fee-Other Public Improvements Fund.

WHEREAS, the following adjustments are necessary:

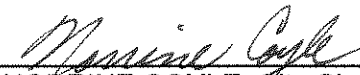
Capital Facility Fee-Other Public Improvements Fund 138

Fund/Agy/Org Expenditures		Increase (Decrease)
138-430-E628-6010	City Hall T.I. Project - Architectural	\$300,000
138-800-8000-8003	Contingency Reserve	(\$300,000)

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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-274

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH PACIFIC DESIGN ASSOCIATES, INC., UPON COMPLETION OF NEGOTIATIONS WITH THE ARCHITECT, FOR PROFESSIONAL SERVICES RELATING TO THE NEW CITY HALL TENANT IMPROVEMENT PROJECT

WHEREAS, on April 18, 1995, staff was directed by Council to perform reference checks on all four architectural firms that were interviewed during the selection process for this project; and


WHEREAS, based upon results of the interviews conducted by the Selection Review Committee of each of the four firms, and upon the results of the reference check, staff recommends Pacific Design Associates, Inc. be the firm we enter into negotiations with for this project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute a professional agreement between the City of Modesto and Pacific Design Associates, Inc., upon completion of negotiations with the architect, for professional services relating to the new City Hall tenant improvement project.

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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-275

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WEST YOST & ASSOCIATES TO PROVIDE CONSULTING SERVICES FOR THE CITY'S PROPOSED BIOSOLIDS CO-COMPOST PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and West Yost & Associates to provide consulting services for the City's proposed biosolids co-compost project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

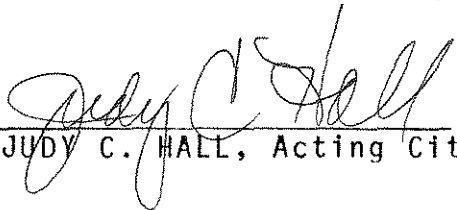
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-276

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$30,000 TO PROVIDE FUNDING FOR ROCKWELL REJUVENATION TO 70 PROBLEM ROCKWELLS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

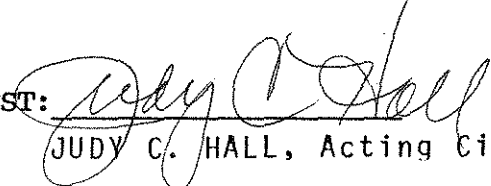
FROM: Village 1 Storm Drain Basin (628 480 E588)	\$30,000
TO: Storm Drain (628 480 5312 0235 and 0360)	\$30,000

These funds will pay for rejuvenating (rebuilding) 70 problem storm drain rockwells in neighborhood streets between May and July 1995. Wastewater collection division work plan targets are to rejuvenate 200 rockwells each dry season. Budgeted operating funds were wiped out during January and March 1995 storms. Village 1 storm drain basin funds will not all be used during FY 1994-95.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-277

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE DISTRICT FOR THE FEDERAL WORK STUDY PROGRAM FOR THE 1995-96 AUGUST TO JUNE ACADEMIC YEAR

BE IT HEREBY 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 the Federal Work Study program for the 1995-96 August to June academic year 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-278**

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT.

WHEREAS, the City has received notification from the State that the Federal Land and Water conservation funding in the amount of \$90,001 has been approved for construction of this project. In July staff will request that the City Council accept the grant award and appropriate the required match from Fund 052, the Local Transportation Fund-non motorized.

WHEREAS, the Parks and Recreation Department is ready to proceed with the project, and since enough funding was available in this fiscal year to prepare Bid documents, this portion of the project is being now and will count toward the City's required match.

WHEREAS, the following adjustments are necessary:

Local Transportation Fund

Fund/Agy/Org Expenditures		Increase (Decrease)
052-310-E627-6010	Tuolumne River Regional Park Trail	\$29,334
052-800-8000-8003	Local Transportation Fund-non Motorized Contingency Reserve	(\$29,334)

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

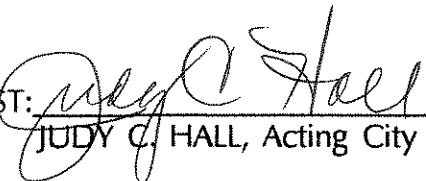
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-279

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
RRM DESIGN GROUP FOR PREPARATION OF BID DOCUMENTS FOR THE TUOLUMNE RIVER REGIONAL
PARK TRAIL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and RRM Design Group for preparation of bid documents for the Tuolumne River Regional Park Trail Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

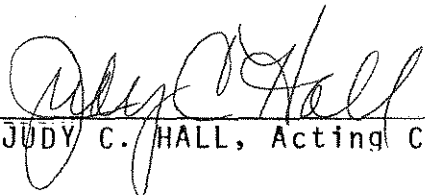
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-280

A RESOLUTION APPROVING A PIPELINE CROSSING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD COMPANY TO CONSTRUCT A WATERLINE ALONG MID LATERAL NO. 6 FROM SEMALLON DRIVE TO WELL NO. 48 WITHIN THE UNION PACIFIC RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the pipeline crossing agreement between the City of Modesto and Union Pacific Railroad Company to construct a waterline along MID Lateral No. 6 from Semallon Drive to Well No. 48 within the Union Pacific right of way 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-281

A RESOLUTION APPROVING THE FINAL MAP OF THE
CHARLESTON PLACE SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Charleston Place, a California limited
partnership, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 18.03 acres,
known as the Charleston Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 26th day of
October, 1993, 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 Charleston Place 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
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 subdividers have 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 Agreement hereinafter referred to.

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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILLICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-282

A RESOLUTION APPROVING A DEFERRED WORK AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLESTON PLACE IN CONJUNCTION WITH FINAL MAP APPROVAL OF CHARLESTON PLACE SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the deferred work agreement between the City of Modesto and Charleston Place in conjunction with the final map approval of Charleston Place Subdivision 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 6th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-283

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

WHEREAS, the greatest portion of the City's funding for the Bus Service Fund other than farebox revenues is the Local Transportation Fund, and

WHEREAS, the funding is apportioned by the State in accordance with the Transportation Development Act through the Stanislaus Area Association of Governments (SAAG) to the City of Modesto, and

WHEREAS, the City of Modesto's claim for fiscal year 1995-96 has been prepared in the amount of \$3,992,432 which includes some funds for bicycle lanes and street maintenance purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of \$3,992,432 for fiscal year 1995-96 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 June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-284

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOAN CHECK FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JUNE 6, 1995

WHEREAS, Joan (Cardoza) Check was appointed a member of the Affirmative Action Commission on November 2, 1993; and

WHEREAS, Joan (Cardoza) Check has tendered her resignation from the Affirmative Action Commission, effective June 6, 1995; and

WHEREAS, Joan (Cardoza) Check 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 Joan (Cardoza) Check from the Affirmative Action 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 Joan (Cardoza) Check 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 6th day of June, 1995, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-285

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF VARIOUS TRAFFIC SIGNAL ACCESSORIES FROM PEEK TRAFFIC SIGNAL CONTROL

WHEREAS, the Electrical Division of the Public Works and Transportation Department has requested the purchase of various traffic signal accessories; and

WHEREAS, based on informal bids submitted, the recommended vendor is the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of various traffic signal accessories be, and it is hereby waived.

BE IT FURTHER RESOLVED that purchase of various traffic signal accessories from Peek Traffic Signal Control, for the total price of \$26,109.80, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs , 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:

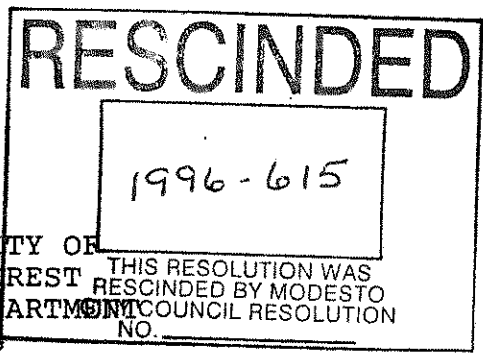
AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clark



MODESTO CITY COUNCIL
 RESOLUTION NO. 95-286

A RESOLUTION OF THE COUNCIL OF THE CITY OF
 MODESTO ADOPTING THE CONFLICT OF INTEREST
 CODE OF THE COMMUNITY DEVELOPMENT DEPARTMENT
 OF THE CITY OF MODESTO AND RESCINDING
 RESOLUTION NO. 94-699.

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 June 13, 1995,
 considered the adoption of a conflict of interest code for the
 various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
 City of Modesto that the Conflict of Interest Code of the
 Community Development Department of the City of Modesto as
 submitted, a copy of which Code is attached hereto, is hereby
 approved.

BE IT FURTHER RESOLVED that Resolution No. 94-699
 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 13th day of June, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CONFLICT OF INTEREST CODE
OF THE
COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant Planner	1
Associate Civil Engineer	1
Associate Planner	1
Building Inspector I, II	1
Business Development Manager	1
Business Development Officer	1
Chief Building Official	1
Code Enforcement Officer I, II	1
Community Development Director	1
Community Development Program Specialist II	1
Consultant	2
Deputy Chief Building Official	1
Development Services Manager	1
Housing & Neighborhoods Manager	1
Housing Finance Specialist	1
Housing Program Supervisor	1
Housing Rehabilitation Specialist II	1
Neighborhood Preservation Supervisor	1
Planning Assistant	1
Plan Review Engineer	1
Principal Planner	1
Public Improvement Specialist	1

COMMUNITY DEVELOPMENT DEPT. EXHIBIT "A" (continued)

Senior Building Inspector	1
Senior Housing Rehabilitation Specialist	1
Strategic Planning Manager	1
Supervising Building Inspector	1
Telecommunication Center Coordinator	1

MODESTO CITY COUNCIL
RESOLUTION NO. 95-287

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE FIRE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 94-701.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

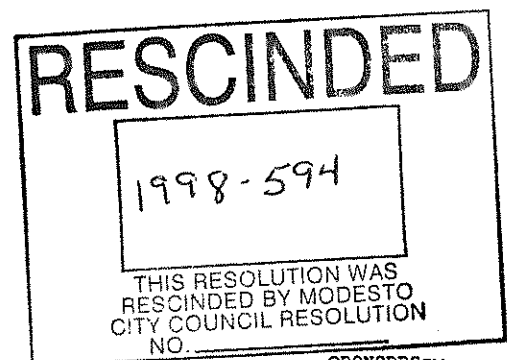
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

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 June 13, 1995,
considered the adoption of a conflict of interest code for the
various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Fire
Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-701
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 13th day of June, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CONFLICT OF INTEREST CODE
OF THE
FIRE DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

FIRE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Buyer	1
Consultant	3
Fire Chief	1
Fire Division Chief	1
Fire Battalion Chief	1
Fire Marshall	1
Fire Prevention Bureau Captain	2
Haz/Mat Inspector	2
Plan Checker	2

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-288

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 94-702.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

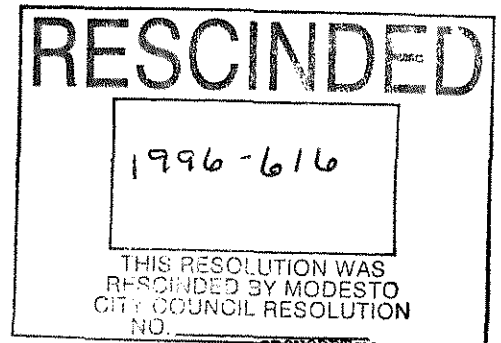
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

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 June 13, 1995,
considered the adoption of a conflict of interest code for the
various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Parks
and Recreation Department of the City of Modesto as submitted, a
copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-701
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 13th day of June, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CONFLICT OF INTEREST CODE
OF THE
PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Parks and Recreation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Position</u>	<u>Disclosure Category</u>
Administrative Analyst II	2
Arborist	2
Assistant Director of Parks and Recreation	1
Building Maintenance Supervisor	2
Building Superintendent	1
Consultant	3
Custodian Supervisor	2
Director of Parks and Recreation	1
Events Supervisor	2
General Services Manager	1
Golf Superintendent	1
Golf Supervisor	2
Historical Buildings Supervisor	2
Museum Supervisor	2
Operations Supervisor	2
Parks Maintenance Supervisor I	2
Parks Operations Superintendent	1
Parks Planning & Development Manager	1
Recreation Superintendent	1
Recreation Supervisor II	2
Trees Maintenance Supervisor I, II	2
Urban Forestry Superintendent	1

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-289

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE HOUSING REHABILITATION LOAN
COMMITTEE OF THE CITY OF MODESTO.

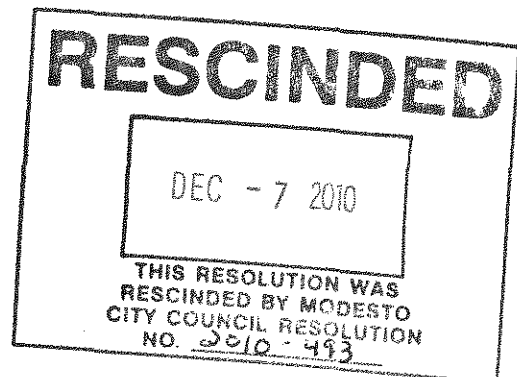
WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

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 June 13, 1995,
considered the adoption of a conflict of interest code for the
various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Housing
Rehabilitation Loan Committee of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CONFLICT OF INTEREST CODE
OF THE
HOUSING REHABILITATION LOAN COMMITTEE
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Housing Rehabilitation Loan Committee.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

HOUSING REHABILITATION LOAN COMMITTEE CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Chairperson, All Committee Members	1
Consultant	2

HOUSING REHABILITATION LOAN COMMITTEE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Corrected July 11, 1995

MODESTO CITY COUNCIL
RESOLUTION NO. 95-290

A RESOLUTION RESCINDING THE CONFLICT OF
INTEREST CODE FOR THE PARKING AND TRAFFIC
DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Parking
and Traffic Department of the City of Modesto was approved by
Modesto City Council Resolution No. 77-485 pursuant to Resolution
No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer a Parking and
Traffic Department the Council of the City of Modesto desires to
rescind the Conflict of Interest Code for the Parking and Traffic
Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code for the
Parking and Traffic Department of the City of Modesto is hereby
rescinded.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-290

A RESOLUTION RESCINDING THE PARKING AND
TRAFFIC DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Parking
and Traffic Department of the City of Modesto was approved by
Modesto City Council Resolution No. 77-485 pursuant to Resolution
No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer a Parking and
Traffic Department the Council of the City of Modesto desires to
rescind the Conflict of Interest Code for the Parking and Traffic
Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code for the
Parking and Traffic Department of the City of Modesto is hereby
rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-291

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND MANUEL REIS FOR THE PURPOSE OF REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Manuel Reis for the purpose of rehabilitating his property at 2521 Strivens Avenue pursuant to the City of Modesto's Housing Rehabilitation Program 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 13th day of June, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-292

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARTHA FIGUEROA FOR THE PURPOSE OF REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Martha Figueroa for the purpose of rehabilitating her property at 338 Rosedale Avenue pursuant to the City of Modesto's Housing Rehabilitation Program 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 13th day of June, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-293

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND AGUSTIN ALBERTO FOR THE PURPOSE OR REHABILITATING HIS PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Agustin Alberto for the purpose of rehabilitating his property at 334 Colorado Avenue pursuant to the City of Modesto's Housing Rehabilitation Program 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 13th day of June, 1995, by Councilmember Dobbs , 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-294


A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND HELEN D. HARDY FOR THE PURPOSE OR REHABILITATING HER PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Helen D. Hardy for the purpose of rehabilitating her property at 2118 Whitcomb Way pursuant to the City of Modesto's Housing Rehabilitation Program 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 13th day of June, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

8

MODESTO CITY COUNCIL
RESOLUTION NO. 95-295

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF R. KIRK LINDSEY FROM THE INTERNATIONAL FRIENDSHIP COMMITTEE, EFFECTIVE JUNE 13, 1995

WHEREAS, R. Kirk Lindsey was appointed a member of the International Friendship Committee on October 26, 1993; and

WHEREAS, R. Kirk Lindsey has tendered his resignation from the International Friendship Committee, effective June 13, 1995; and

WHEREAS, R. Kirk Lindsey 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 R. Kirk Lindsey from the International Friendship 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 R. Kirk Lindsey 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 13th day of June, 1995, by Councilmember Dobbs , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-296

A RESOLUTION APPOINTING GENE D'ACCARDO TO THE CULTURE 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Gene D'Accardo is hereby appointed to the Culture Commission, term to expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Culture 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 13th day of June, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-297

A RESOLUTION APPOINTING NANCY NORTON TO THE AFFIRMATIVE ACTION
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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Nancy Norton is hereby appointed to the Affirmative
Action Commission, term to expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Affirmative Action
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 13th day of June, 1995,
by Councilmember McClanahan , who moved its adoption, which motion
being duly seconded by Councilmember Muratore , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-298

A RESOLUTION APPOINTING RICARDO CORDOVA TO THE REHABILITATION LOAN POOL SUBCOMMITTEE AS A REPRESENTATIVE FROM THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

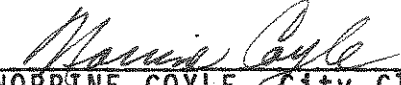
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Ricardo Cordova is hereby appointed to the Rehabilitation Loan Pool Subcommittee as a representative from the Citizens Housing and Community Development Committee, term to expire 6/30/96.

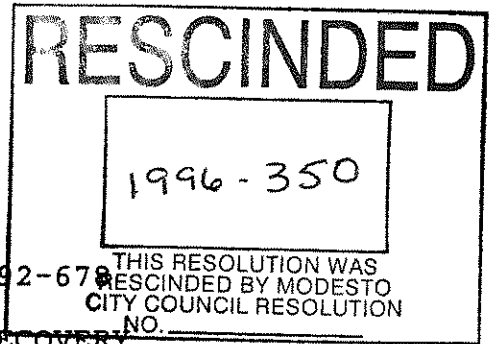
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Rehabilitation Loan Pool Subcommittee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 95-299

A RESOLUTION AMENDING RESOLUTION NO. 92-678
TO REVISE THE TIPPING FEES AT THE
WASTE-TO-ENERGY STANISLAUS RESOURCE RECOVERY
FACILITY.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, pursuant to Resolution No. 92-678, which became effective on January 1, 1993, landfill fees increased from \$25.00 per ton to \$26.50 per ton, and the Ash Monofill tipping fees increased from \$25.00 per ton to \$29.00 per ton, and

WHEREAS, on June 20, 1995, the Board of Supervisors approved a tipping fee increase at the Waste-to-Energy Facility, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, the City of Modesto and the Stanislaus County, and

WHEREAS, the Council is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed this issue and has recommended approval of an increase in the tipping fee, and staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present \$26.50 per ton to \$30.50 per ton, effective July 1, 1995, and

WHEREAS, the 20th day of June, 1995, at 7:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

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

1. That paragraph 3 on page 2 of Resolution No. 92-678 is hereby amended to read as follows: "Whereas, the Solid Waste-to-Energy Executive Committee has discussed this issue and has recommended approval of an increase in the tipping fee, and staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present \$26.50 per ton to \$30.50 per ton, effective July 1, 1995".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

5

MODESTO CITY COUNCIL
RESOLUTION NO. 95-300

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MODESTO AMENDING RESOLUTION NO. 93-350 AND
AUTHORIZING THE FILING OF AN AMENDED
COMPLAINT IN STANISLAUS COUNTY SUPERIOR COURT
ACTION NO. 296508 RELATING TO THE DEL ESTE
WATER SYSTEM ACQUISITION.

WHEREAS, on June 22, 1993, the City Council adopted Resolution No. 93-350, a resolution determining that the public interest and necessity required the acquisition of certain land and directing the filing of eminent domain proceedings to acquire the assets of the Del Este Water Company systems in the Modesto Service Area, more particularly described in Exhibit A of said resolution, and

WHEREAS, on July 20, 1993, the City of Modesto filed a complaint in eminent domain, action number 296508, in the Superior Court of the County of Stanislaus, to acquire those assets of Del Este Water Company described in Exhibit A of Resolution No. 93-350, and

WHEREAS, in order to provide uniformity of water quality and service and rate stability to the water users of the City of Modesto and surrounding areas within and outside of the City's sphere of influence, Resolution No. 93-350 and Stanislaus County Superior Court Action No. 296508 should be amended to provide for the acquisition of all of the assets of Del Este Water Company, and

WHEREAS, on March 7, 1995, by Resolution No. 95-127,

the City Council approved a Negative Declaration and directed the filing of a Notice of Determination of the environmental impact relating to the acquisition of Del Este Water Company in its entirety, and on March 8, 1995, said Notice of Determination was filed with the Stanislaus County Clerk, and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real and personal property by virtue of Article 1, Section 19 of the Constitution of the State of California, Government Code Section 37350.5, and Sections 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.240, 1240.410 and 1240.610 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto on the following matters:

- (a) Whether the public interest and necessity require the acquisition;
- (b) Whether the use for which the property is sought to be acquired is a more necessary public use than the use to which the property is appropriated;
- (c) Whether the acquisition is planned or located in the manner that will be most compatible with the

greatest public good and the least private injury;

- (d) Whether the property sought to be acquired is necessary; and
- (e) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

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

1. The public interest and necessity require the acquisition of all of the assets of Del Este Water Company in order to provide uniformity of water quality and service and rate stability to the water users in the City of Modesto and surrounding areas within and outside the City's sphere of influence;

2. The use for which the property described in Exhibit AA is sought to be acquired--to provide uniformity of water quality and service and rate stability to water users in the City and surrounding areas within and outside its sphere of influence--is a more necessary public use than the use to which the property is appropriated;

3. The acquisition is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

4. The complaint in Stanislaus County Superior Court No. 296508 shall be amended by naming as defendants Beard Land and Investment Co. and such other parties as may be necessary,

and by deleting Exhibits A, B and C and substituting in its place, to the extent required, Exhibits AA, BB and CC.

5. The taking of the fee simple and/or absolute title in and to the property more particularly described in said Exhibit AA is necessary;

6. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the property;

7. The property described in Exhibit AA which is outside the territorial limits of the City of Modesto should be acquired for water supply purposes;

8. The City Attorney of the City of Modesto or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith; and

9. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "AA"

All of the assets and properties of Del Este Water Company of every kind and description, real, personal or mixed, tangible or intangible, goodwill, except the following:

1. Wells Fargo Bank, Modesto Main Branch, Account Number 6250061363.
2. Improvements to and fixtures placed in the Del Este Water Company building, leased premises located at 430 Tenth Street, Modesto, California 95353, including but not limited to (a) a 1,000 gallon Con Vault fuel tank and pump, and (b) a 5 horsepower compressor and tank, all of which fixtures and improvements belong to the landlord under the terms of Del Este's lease of the premises.

EXHIBIT "AA"

MODESTO CITY COUNCIL
RESOLUTION NO. 95-301

A RESOLUTION ACCEPTING THE BIDS OF VARIOUS VENDORS FOR FURNISHING
REPLACEMENT UTILITY AND GROUNDS MAINTENANCE EQUIPMENT

WHEREAS, Resolution No. 95-190, adopted by the Council of the City of Modesto on April 25, 1995, approved the plans and specifications for the purchase of replacement utility and grounds maintenance equipment to be used by the Parks and Recreation Department for grounds maintenance at the golf courses, John Thurman Field and at various park sites, and authorized the calling for bids; and

WHEREAS, the bids received for the replacement utility and grounds maintenance equipment, were opened at 11:10 a.m. on May 16, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

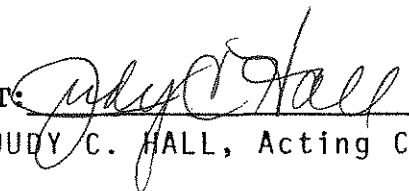
WHEREAS, the Director of Finance has recommended that the bids of several vendors, for a total cost of \$1,830,672.21, be accepted as the lowest responsible bids. The vendors are: Bobcat Control, Inc., California Utility, Central Valley Golf, Country Ford, F.B. Hart, Garton Ford, H.V. Carter, Jenkins Machinery, J.M. Equipment, Maita Chevrolet, Modesto Ford, Modesto Ford Tractor, Nixon-Egli Equipment Co., and Pacific utility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of the various vendors listed above 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 20th day of June, 1995, by Councilmember Muratore , 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-302

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$50,000 TO PROVIDE FUNDING FOR NEEDED LABORATORY ANALYTICAL SERVICES AT THE WATER QUALITY CONTROL PLANT AND REVIEW OF LOCAL LIMITS DEVELOPMENT DATA BY A CONSULTANT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Capital Improvement Program savings \$50,000

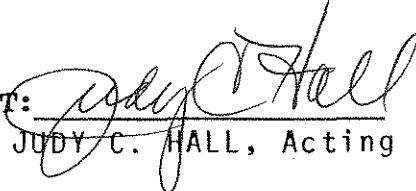
TO: Laboratory Analytical Services \$50,000

Under federal regulations, the State Water Resources Control Board requires every publicly owned treatment works to develop Local Limits for 128 priority pollutants that may occur in wastewater discharges. The City's Water Quality Control Plant has been conducting a multi-year testing program to assemble the data base to develop our Local Limits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

Check 8

MODESTO CITY COUNCIL
RESOLUTION NO. 95-303

A RESOLUTION ACCEPTING A GRANT OFFER IN STATE
OF CALIFORNIA WILDLIFE CONSERVATION BOARD
FUNDS TOWARD PURCHASE OF LAND FOR THE
TUOLUMNE RIVER REGIONAL PARK.

WHEREAS, on March 10, 1995, the City Council authorized
the City Manager to sign a letter of intent to the State of
California Wildlife Conservation Board for funding toward
purchase of land for the Tuolumne River Regional Park, and

WHEREAS, these funds will be applied toward the
purchase of approximately 20.6 acres of river frontage,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby accepts the grant offer from the
State of California Wildlife Conservation Board for funding
toward the purchase of 20.6 acres of land for the Tuolumne River
Regional Park and approves the terms and conditions of the
agreement.

BE IT FURTHER RESOLVED by the Council of the City of
Modesto that it hereby agrees that the property is being acquired
for the purposes of preservation and restoration of riparian
habitat along the Tuolumne River and that a Class I bicycle trail
will be constructed within this area.

BE IT FURTHER RESOLVED that the execution of the grant
acceptance by the City's designated official, J. Edward Tewes,
City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit all documents, including but not limited to amendments, payment requests and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-304**

A RESOLUTION AMENDING THE FISCAL YEAR 1994-95 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT.

WHEREAS, the City has received notification from the State Wildlife Conservation Board (WCB) that it intends to award \$455,000 to acquire land for the Tuolumne River Regional Park. The grant agreement stipulates that the City will own the land, indemnify the State, and will develop and maintain the property for riparian restoration and preservation.

WHEREAS, this resolution estimates and appropriates this revenue.

WHEREAS, the following adjustments are necessary:

State Parks and Recreation Fund

Fund/Agy/Org Revenues		Increase (Decrease)
170-510-9510-3134	State Grant Revenue	\$455,000
Fund/Agy/Org Expenditures		Increase (Decrease)
170-310-E967-6030	Tuolumne River Regional Park-partial Land Acquisition	\$455,000

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 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-305

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT TO REIMBURSE THEM FOR THE CITY'S SHARE OF COSTS TO IMPROVE BLUE GUM AVENUE AT THE COLLEGE'S WEST CAMPUS AND AUTHORIZE MULTI-YEAR PAYMENTS BEGINNING FISCAL YEAR 1995-96

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community College District to reimburse them for the City's share of costs to improve Blue Gum Avenue at the College's West Campus be, and it is hereby approved.

BE IT FURTHER RESOLVED that multi-year payments beginning fiscal year 1995-96 are hereby authorized.

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 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-306

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$17,000 TO PROVIDE FUNDING FOR THE TRAFFIC SIGNAL PORTION OF IMPROVEMENTS TO BLUE GUM AVENUE AT THE YOSEMITE COMMUNITY COLLEGE DISTRICT WEST CAMPUS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Traffic Signal Modifications (141 160 E471 6040)	\$17,000
TO:	Carpenter & Blue Gum Traffic Signal Mod. (141 160 D402 6040)	\$17,000

The additional funds are needed for this project as a result of unforeseen changes in the geometrics of the Carpenter and Blue Gum intersection by the Modesto Junior College.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST:



JUDY C. HALL, Acting City Clerk

Check 11/11

MODESTO CITY COUNCIL
RESOLUTION NO. 95-307

A RESOLUTION ESTABLISHING PRICE AND
POPULATION FACTORS TO BE USED IN DETERMINING
THE 1995-96 "APPROPRIATIONS LIMIT" ACCORDING
TO ARTICLE XIIIIB OF THE CALIFORNIA
CONSTITUTION.

WHEREAS, adoption of the fiscal year 1995-96 budget
requires that Council also establish the price and population
factors used in determining the City's Proposition 4
Appropriation Limit for fiscal year 1995-96, and

WHEREAS, Article XIIIIB 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
capita personal income or the change in the local assessment roll
due to local nonresidential construction, and

WHEREAS, the City's appropriation limitation imposed by
Article XIIIIB (Proposition 4) for the State Constitution for
1995-96 is hereby established at \$146,000,000, said limitation
pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 14, 1995, the
City's Finance Director has advised the City Council that the
City is in no danger of exceeding the ceiling; that a complete
analysis of the City's status with regard to this Constitutional
requirement will be included in the published Annual Budget
document; that documentation used to compute the Proposition 4

limit is available for public review, that Schedule VI attached to said report shows the preferred price and population factors to be used and the appropriation limit; that the recommended factors to be used 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". A copy of said report including Schedule VI 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 and the price and population factors to be used in determining the 1995-96 "Appropriations Limit" according to Article XIII B of the California Constitution is hereby established as set forth on Schedule VI which is attached hereto 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 20th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE VI
CITY OF MODESTO
APPROPRIATION LIMIT CALCULATION
FISCAL YEAR 1995-96

FY 94-95 Appropriation Limit	\$137,342,681
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Adjustment factors:

Population:

Modesto	1.0081
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County	1.0178
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Price:

Per Capita Income (State)	1.0472
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Local non-residential new construction	Unavailable
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Total Adjustment percentage	<u>6.58%</u>
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Annual adjustment	<u>\$ 9,037,148</u>
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Other adjustments (unknown until October 1995)	_____
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FY 1995-96 Appropriation Limit	<u>\$146,379,829</u>
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Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-308

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1994-95 AND ADOPTION OF THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1996.

WHEREAS, after financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the fiscal year 94-95.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1995-1996 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 after due notice, as provided by law, 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 does ordain as follows:

SECTION 1. That the changes listed in "Schedule A" be made to the Annual Budget of the City of Modesto for Fiscal Year 94-95.

SECTION 2. That the "City of Modesto Proposed Budget 1995-1996", is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1996, and the several amounts stated therein as proposed expenditures and revenues are hereby appropriated for the various objects therein described.

SECTION 3. That Capital Projects carried over from fiscal year 1994-1995 are hereby re-appropriated as a part of the budget for the fiscal year 1995-1996 adopted hereby.

BE IT FURTHER RESOLVED that the Director of Finance 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 20th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

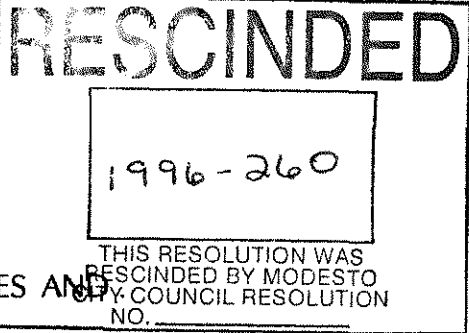
APPROVED AS TO FORM:

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

SCHEDULE A
FY 1994-95

	<i>FD</i>	<i>AGY</i>	<i>ORGN</i>	<i>OBJT/ REV</i>	<i>AMOUNT</i>
<i>REVENUE</i>	010	190	1961	3172	(75,000)
<i>EXPENSE-TRANSFER OUT</i>	010	700	7000	7080	(100,000)
<i>EXPENSE-RESERVE</i>	010	800	8000	8003	175,000
<i>REVENUE-TRANSFER IN</i>	080	700	7000	9010	100,000
<i>EXPENSE-RESERVE</i>	080	800	8000	8003	(100,000)
<i>EXPENSE-TRANSFER OUT</i>	137	700	7000	7621	(139,223)
<i>EXPENSE-RESERVE</i>	137	800	8000	8003	(139,223)
<i>EXPENSE</i>	611	480	5013	0320	(486,899)
<i>EXPENSE-RESERVE</i>	611	800	8000	8003	486,899
<i>REVENUE-TRANSFER IN</i>	621	700	7000	9137	139,223
<i>EXPENSE-RESERVE</i>	621	800	8000	8003	139,223

500



MODESTO CITY COUNCIL
RESOLUTION NO. 95-309

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NO. 94-599.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, the Council recognizes the need to rehabilitate and expand the Wastewater Treatment System to promote economic development and to protect the environment, and

WHEREAS, an annual review of sewer service charges has been made,

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V 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 which 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:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
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, or it shall include two single-family dwellings or a duplex located on a corner lot.
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 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	\$10.96
Each dwelling unit in a duplex	8.56
One additional dwelling unit or mobile home on a lot	8.56
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	7.05

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths (\$1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

Sewer Service Charges
Per 1000 Gals.
of Water Used

Group 1 \$1.81

Combined B.O.D. and S.S. measured
in mg/1 is 400mg/1 or less

Group 2 2.10

Combined B.O.D. and S.S. measured
in mg/1 is in the range of 401mg/1
to 900mg/1

Group 3 2.56

Combined B.O.D. and S.S. measured
in mg/1 is in the range of 901mg/1
to 1400mg/1

Group 4 3.08

Combined B.O.D. and S.S. measured
in mg/1 is over 1401mg/1

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	\$22.77
Group 2	26.23
Group 3	32.16
Group 4	38.58

- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths (\$1.55) Dollars per month to cover the costs of inspections to

insure that the continued use of septic tanks does not cause a health hazard or nuisance.

- (e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.
 - (1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.
 - (2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.
- (f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
 - (1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and
 - (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$740.52 per million gallons of total flow.
 - (1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

- (2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
 - (3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$87.58 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
 - (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$80.62 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of

this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	\$6.79
Each dwelling unit in a duplex	3.24
One additional dwelling unit or mobile home on a lot	3.24
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	3.24
Billing Fee	0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 7. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will

accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 8. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

- (a) All developed 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:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
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) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

- (c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.65
3501-7000 SF	3.23
7000 + SF	4.85

- (d) 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.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.58. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.58.
- (g) 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 Director of Public Works, 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

Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

(b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.73
3501-7000 SF	3.40
7000 + SF	5.10

(d) 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.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of \$6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.92.

(g) 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 Director of Public Works, 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.

- (h) That the portion of the storm 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.

SECTION 9. EFFECTIVE DATE. This resolution shall become effective July 1, 1995.

SECTION 10. SUPERSEDES PRIOR RESOLUTIONS. When it becomes effective, this resolution supersedes Modesto City Council Resolution No. 94-599.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST:



NORRINE COYLE, City Clerk

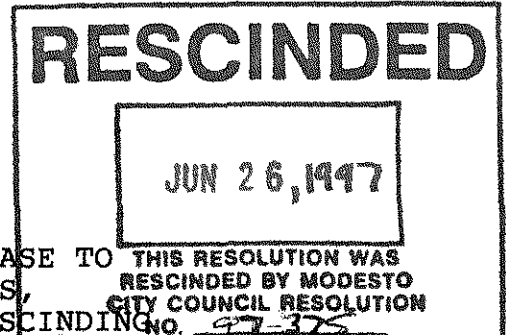
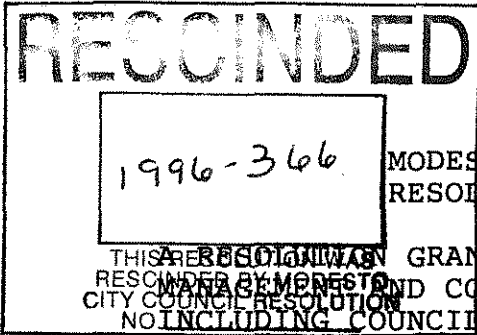
(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney



MODESTO CITY COUNCIL
RESOLUTION NO. 95-310

THIS RESOLUTION WAS GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING CITY COUNCIL RESOLUTION NO. 94-410.

WHEREAS, the Council of the City of Modesto desires to approve a three (3%) percent salary increase for unrepresented Management and Confidential employees, and

WHEREAS, the Council desires to approve a three (3%) percent salary increase for Council Appointees, and

WHEREAS, the Council desires to approve a three (3%) percent increase in salary ranges for non-Council appointed Executive Managers,

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 27, 1995, to provide for a three (3%) percent salary adjustment for unrepresented Management and Confidential employees and a three (3%) percent salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City of Modesto Class Range Table, Management and Confidential Non-Sworn Classes, Effective June 27, 1995".
2. Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 95/96, Effective June 27, 1995 - Schedule D Management/Confidential - General".

3. Exhibit "C" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective June 27, 1995".
4. Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 95/96, Effective June 27, 1995 - Schedule E Management/Confidential - Fire".
5. Exhibit "E" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 27, 1995".
6. Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 95/96, Effective June 27, 1995 - Schedule G Management/Confidential - Police (Unrepresented)".
7. Exhibit "G" entitled "City of Modesto Class Range Table, Executive Management, Effective June 27, 1995", which includes Council Appointees.

SECTION 2. COUNCIL APPOINTEES. Effective June 27, 1995, the salaries for the positions of the Council Appointees shall be as follows:

<u>TITLES</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	\$48.1603	\$3,852.82	\$8,379.88
City Attorney	\$45.0203	\$3,601.63	\$7,833.54
City Clerk	\$26.0953	\$2,087.62	\$4,540.57

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 therefor, 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 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 therefor, 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 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. REPEAL. Resolution No. 94-410 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective June 27, 1995

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor
421	Exhibit "A"

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Business Development Officer Parks Planning and Development Manager Communications and Marketing Manager
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441	Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Maintenance Supt. Parks Operations Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Golf Superintendent Fleet Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	General Services Manager Water Quality Control Supt. Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager
448	Sr. Deputy City Attorney II
449	

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
 EFFECTIVE 6/27/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

RANGE	3.00% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0401	9.0656	9.5189	9.9948	10.4945	11.0192	725.25	761.51	799.58	839.56	881.54	1,577.42	1,656.28	1,739.09	1,826.04	1,917.35
0402	9.2922	9.7568	10.2446	10.7568	11.2946	743.38	780.54	819.57	860.54	903.57	1,616.85	1,697.67	1,782.56	1,871.67	1,965.26
0403	9.5245	10.0007	10.5007	11.0257	11.5770	761.96	800.06	840.06	882.06	926.16	1,657.26	1,740.13	1,827.13	1,918.48	2,014.40
0404	9.7626	10.2507	10.7632	11.3014	11.8665	781.01	820.06	861.06	904.11	949.32	1,698.70	1,783.63	1,872.81	1,966.44	2,064.77
0405	10.0067	10.5070	11.0324	11.5840	12.1632	800.54	840.56	882.59	926.72	973.06	1,741.17	1,828.22	1,919.63	2,015.62	2,116.41
0406	10.2569	10.7697	11.3082	11.8736	12.4673	820.55	861.58	904.66	949.89	997.38	1,784.70	1,873.94	1,967.64	2,066.01	2,169.30
0407	10.5133	11.0390	11.5910	12.1706	12.7791	841.06	883.12	927.28	973.65	1,022.33	1,829.31	1,920.79	2,016.83	2,117.69	2,223.57
0408	10.7761	11.3149	11.8806	12.4746	13.0983	862.09	905.19	950.45	997.97	1,047.86	1,875.05	1,968.79	2,067.23	2,170.58	2,279.10
0409	11.0455	11.5978	12.1777	12.7866	13.4259	883.64	927.82	974.22	1,022.93	1,074.07	1,921.92	2,018.01	2,118.93	2,224.87	2,336.10
0410	11.3216	11.8877	12.4821	13.1062	13.7615	905.73	951.02	998.57	1,048.50	1,100.92	1,969.96	2,068.47	2,171.89	2,280.49	2,394.50
0411	11.6046	12.1848	12.7940	13.4337	14.1054	928.37	974.78	1,023.52	1,074.70	1,128.43	2,019.20	2,120.15	2,226.16	2,337.47	2,454.34
0412	11.8947	12.4894	13.1139	13.7696	14.4581	951.58	999.15	1,049.11	1,101.57	1,156.65	2,069.69	2,173.15	2,281.81	2,395.91	2,515.71
0413	12.1921	12.8017	13.4418	14.1139	14.8196	975.37	1,024.14	1,075.34	1,129.11	1,185.57	2,121.43	2,227.50	2,338.86	2,455.81	2,578.61
0414	12.4969	13.1217	13.7778	14.4667	15.1900	999.75	1,049.74	1,102.22	1,157.34	1,215.20	2,174.46	2,283.18	2,397.33	2,517.21	2,643.06
0415	12.8093	13.4498	14.1223	14.8284	15.5698	1,024.74	1,075.98	1,129.78	1,186.27	1,245.58	2,228.81	2,340.26	2,457.27	2,580.14	2,709.14
0416	13.1295	13.7860	14.4753	15.1991	15.9591	1,050.36	1,102.88	1,158.02	1,215.93	1,276.73	2,284.53	2,398.76	2,518.69	2,644.65	2,776.89
0417	13.4577	14.1306	14.8371	15.5790	16.3580	1,076.62	1,130.45	1,186.97	1,246.32	1,308.64	2,341.65	2,458.73	2,581.66	2,710.75	2,846.29
0418	13.7941	14.4838	15.2080	15.9684	16.7668	1,103.53	1,158.70	1,216.64	1,277.47	1,341.34	2,400.18	2,520.17	2,646.19	2,778.50	2,917.41
0419	14.1390	14.8460	15.5883	16.3677	17.1861	1,131.12	1,187.68	1,247.06	1,309.42	1,374.89	2,460.19	2,583.20	2,712.36	2,847.99	2,990.39
0420	14.4925	15.2171	15.9780	16.7769	17.6157	1,159.40	1,217.37	1,278.24	1,342.15	1,409.26	2,521.70	2,647.78	2,780.17	2,919.18	3,065.14
0421	14.8548	15.5975	16.3774	17.1963	18.0561	1,188.38	1,247.80	1,310.19	1,375.70	1,444.49	2,584.73	2,713.97	2,849.66	2,992.15	3,141.77
0422	15.2262	15.9875	16.7869	17.6262	18.5075	1,218.10	1,279.00	1,342.95	1,410.10	1,480.60	2,649.37	2,781.83	2,920.92	3,066.97	3,220.31
0423	15.6069	16.3872	17.2066	18.0669	18.9702	1,248.55	1,310.98	1,376.53	1,445.35	1,517.62	2,715.60	2,851.38	2,993.95	3,143.64	3,300.82
0424	15.9971	16.7970	17.6369	18.5187	19.4446	1,279.77	1,343.76	1,410.95	1,481.50	1,555.57	2,783.50	2,922.68	3,068.82	3,222.26	3,383.36
0425	16.3970	17.2169	18.0777	18.9816	19.9307	1,311.76	1,377.35	1,446.22	1,518.53	1,594.46	2,853.08	2,995.74	3,145.53	3,302.80	3,467.95
0426	16.8069	17.6472	18.5296	19.4561	20.4289	1,344.55	1,411.78	1,482.37	1,556.49	1,634.31	2,924.40	3,070.62	3,224.15	3,385.37	3,554.62

Exhibit "B"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
 EFFECTIVE 6/27/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

RANGE	3.00% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0427	17.2271	18.0885	18.9929	19.9425	20.9396	1,378.17	1,447.08	1,519.43	1,595.40	1,675.17	2,997.52	3,147.40	3,304.76	3,470.00	3,643.49
0428	17.6578	18.5407	19.4677	20.4411	21.4632	1,412.62	1,483.26	1,557.42	1,635.29	1,717.06	3,072.45	3,226.09	3,387.39	3,556.76	3,734.61
0429	18.0992	19.0042	19.9544	20.9521	21.9997	1,447.94	1,520.34	1,596.35	1,676.17	1,759.98	3,149.27	3,306.74	3,472.06	3,645.67	3,827.96
0430	18.5517	19.4793	20.4533	21.4760	22.5498	1,484.14	1,558.34	1,636.26	1,718.08	1,803.98	3,228.00	3,389.39	3,558.87	3,736.82	3,923.66
0431	19.0155	19.9663	20.9646	22.0128	23.1134	1,521.24	1,597.30	1,677.17	1,761.02	1,849.07	3,308.70	3,474.13	3,647.84	3,830.22	4,021.73
0432	19.4909	20.4654	21.4887	22.5631	23.6913	1,559.27	1,637.23	1,719.10	1,805.05	1,895.30	3,391.41	3,560.98	3,739.04	3,925.98	4,122.28
0433	19.9782	20.9771	22.0260	23.1273	24.2837	1,598.26	1,678.17	1,762.08	1,850.18	1,942.70	3,476.22	3,650.02	3,832.52	4,024.14	4,225.37
0434	20.4777	21.5016	22.5767	23.7055	24.8908	1,638.22	1,720.13	1,806.14	1,896.44	1,991.26	3,563.13	3,741.28	3,928.35	4,124.76	4,330.99
0435	20.9896	22.0391	23.1411	24.2982	25.5131	1,679.17	1,763.13	1,851.29	1,943.86	2,041.05	3,652.19	3,834.81	4,026.56	4,227.90	4,439.28
0436	21.5143	22.5900	23.7195	24.9055	26.1508	1,721.14	1,807.20	1,897.56	1,992.44	2,092.06	3,743.48	3,930.66	4,127.19	4,333.56	4,550.23
0437	22.0522	23.1548	24.3125	25.5281	26.8045	1,764.18	1,852.38	1,945.00	2,042.25	2,144.36	3,837.09	4,028.93	4,230.38	4,441.89	4,663.98
0438	22.6035	23.7337	24.9204	26.1664	27.4747	1,808.28	1,898.70	1,993.63	2,093.31	2,197.98	3,933.01	4,129.67	4,336.15	4,552.95	4,780.61
0439	23.1686	24.3270	25.5434	26.8206	28.1616	1,853.49	1,946.16	2,043.47	2,145.65	2,252.93	4,031.34	4,232.90	4,444.55	4,666.79	4,900.12
0440	23.7478	24.9352	26.1820	27.4911	28.8657	1,899.82	1,994.82	2,094.56	2,199.29	2,309.26	4,132.11	4,338.73	4,555.67	4,783.46	5,022.64
0441	24.3415	25.5586	26.8365	28.1783	29.5872	1,947.32	2,044.69	2,146.92	2,254.26	2,366.98	4,235.42	4,447.20	4,669.55	4,903.02	5,148.18
0442	24.9500	26.1975	27.5074	28.8828	30.3269	1,996.00	2,095.80	2,200.59	2,310.62	2,426.15	4,341.30	4,558.37	4,786.28	5,025.60	5,276.88
0443	25.5738	26.8525	28.1951	29.6049	31.0851	2,045.90	2,148.20	2,255.61	2,368.39	2,486.81	4,449.83	4,672.34	4,905.95	5,151.25	5,408.81
0444	26.2131	27.5238	28.9000	30.3450	31.8623	2,097.05	2,201.90	2,312.00	2,427.60	2,548.98	4,561.08	4,789.13	5,028.60	5,280.03	5,544.03
0445	26.8684	28.2118	29.6224	31.1035	32.6587	2,149.47	2,256.94	2,369.79	2,488.28	2,612.70	4,675.10	4,908.84	5,154.29	5,412.01	5,682.62
0446	27.5401	28.9171	30.3630	31.8812	33.4753	2,203.21	2,313.37	2,429.04	2,550.50	2,678.02	4,791.98	5,031.58	5,283.16	5,547.34	5,824.69
0447	28.2286	29.6400	31.1220	32.6781	34.3120	2,258.29	2,371.20	2,489.76	2,614.25	2,744.96	4,911.78	5,157.36	5,415.23	5,685.99	5,970.29
0448	28.9343	30.3810	31.9001	33.4951	35.1699	2,314.74	2,430.48	2,552.01	2,679.61	2,813.59	5,034.56	5,286.29	5,550.62	5,828.15	6,119.56
0449	29.6577	31.1406	32.6976	34.3325	36.0491	2,372.62	2,491.25	2,615.81	2,746.60	2,883.93	5,160.45	5,418.47	5,689.39	5,973.86	6,272.55
0450	30.3991	31.9191	33.5151	35.1909	36.9504	2,431.93	2,553.53	2,681.21	2,815.27	2,956.03	5,289.45	5,553.93	5,831.63	6,123.21	6,429.37
0451	31.1591	32.7171	34.3530	36.0707	37.8742	2,492.73	2,617.37	2,748.24	2,885.66	3,029.94	5,421.69	5,692.78	5,977.42	6,276.31	6,590.12
0452	31.9381	33.5350	35.2118	36.9724	38.8210	2,555.05	2,682.80	2,816.94	2,957.79	3,105.68	5,557.23	5,835.09	6,126.84	6,433.19	6,754.85

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

RANGE	3.00% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0453	32.7366	34.3734	36.0921	37.8967	39.7915	2,618.93	2,749.87	2,887.37	3,031.74	3,183.32	5,696.17	5,980.97	6,280.03	6,594.03	6,923.72
0454	33.5550	35.2328	36.9944	38.8441	40.7863	2,684.40	2,818.62	2,959.55	3,107.53	3,262.90	5,838.57	6,130.50	6,437.02	6,758.88	7,096.81
0455	34.3939	36.1136	37.9193	39.8153	41.8061	2,751.51	2,889.09	3,033.54	3,185.22	3,344.49	5,984.53	6,283.77	6,597.95	6,927.85	7,274.27
0456	35.2537	37.0164	38.8672	40.8106	42.8511	2,820.30	2,961.31	3,109.38	3,264.85	3,428.09	6,134.15	6,440.85	6,762.90	7,101.05	7,456.10
0457	36.1350	37.9418	39.8389	41.8308	43.9223	2,890.80	3,035.34	3,187.11	3,346.46	3,513.78	6,287.49	6,601.86	6,931.96	7,278.55	7,642.47
0458	37.0384	38.8903	40.8348	42.8765	45.0203	2,963.07	3,111.22	3,266.78	3,430.12	3,601.62	6,444.68	6,766.90	7,105.25	7,460.51	7,833.52
0459	37.9644	39.8626	41.8557	43.9485	46.1459	3,037.15	3,189.01	3,348.46	3,515.88	3,691.67	6,605.80	6,936.10	7,282.90	7,647.04	8,029.38
0460	38.9135	40.8592	42.9022	45.0473	47.2997	3,113.08	3,268.74	3,432.18	3,603.78	3,783.98	6,770.95	7,109.51	7,464.99	7,838.22	8,230.16
0461	39.8863	41.8806	43.9746	46.1733	48.4820	3,190.90	3,350.45	3,517.97	3,693.86	3,878.56	6,940.21	7,287.23	7,651.58	8,034.15	8,435.87
0462	40.8835	42.9277	45.0741	47.3278	49.6942	3,270.68	3,434.22	3,605.93	3,786.22	3,975.54	7,113.73	7,469.43	7,842.90	8,235.03	8,646.80
0463	41.9056	44.0009	46.2009	48.5109	50.9364	3,352.45	3,520.07	3,696.07	3,880.87	4,074.91	7,291.58	7,656.15	8,038.95	8,440.89	8,862.93
0464	42.9532	45.1009	47.3559	49.7237	52.2099	3,436.26	3,608.07	3,788.47	3,977.90	4,176.79	7,473.87	7,847.55	8,239.92	8,651.93	9,084.52
0465	44.0270	46.2284	48.5398	50.9668	53.5151	3,522.16	3,698.27	3,883.18	4,077.34	4,281.21	7,660.70	8,043.74	8,445.92	8,868.21	9,311.63
0466	45.1277	47.3841	49.7533	52.2410	54.8531	3,610.22	3,790.73	3,980.26	4,179.28	4,388.25	7,852.23	8,244.84	8,657.07	9,089.93	9,544.44
0467	46.2559	48.5687	50.9971	53.5470	56.2244	3,700.47	3,885.50	4,079.77	4,283.76	4,497.95	8,048.52	8,450.96	8,873.50	9,317.18	9,783.04
0468	47.4123	49.7829	52.2720	54.8856	57.6299	3,792.98	3,982.63	4,181.76	4,390.85	4,610.39	8,249.73	8,662.22	9,095.33	9,550.10	10,027.60
0469	48.5976	51.0275	53.5789	56.2578	59.0707	3,887.81	4,082.20	4,286.31	4,500.62	4,725.66	8,455.99	8,878.79	9,322.72	9,788.85	10,278.31
0470	49.8125	52.3031	54.9183	57.6642	60.5474	3,985.00	4,184.25	4,393.46	4,613.14	4,843.79	8,667.38	9,100.74	9,555.78	10,033.58	10,535.24
0471	51.0578	53.6107	56.2912	59.1058	62.0611	4,084.62	4,288.86	4,503.30	4,728.46	4,964.89	8,884.05	9,328.27	9,794.68	10,284.40	10,798.64
0472	52.3342	54.9509	57.6984	60.5833	63.6125	4,186.74	4,396.07	4,615.87	4,846.66	5,089.00	9,106.16	9,561.45	10,039.52	10,541.49	11,068.58
0473	53.6426	56.3247	59.1409	62.0979	65.2028	4,291.41	4,505.98	4,731.27	4,967.83	5,216.22	9,333.82	9,800.51	10,290.51	10,805.03	11,345.28
0474	54.9837	57.7329	60.6195	63.6505	66.8330	4,398.70	4,618.63	4,849.56	5,092.04	5,346.64	9,567.17	10,045.52	10,547.79	11,075.19	11,628.94
0475	56.3583	59.1762	62.1350	65.2418	68.5039	4,508.66	4,734.10	4,970.80	5,219.34	5,480.31	9,806.34	10,296.67	10,811.49	11,352.06	11,919.67
0476	57.7673	60.6557	63.6885	66.8729	70.2165	4,621.38	4,852.46	5,095.08	5,349.83	5,617.32	10,051.50	10,554.10	11,081.80	11,635.88	12,217.67
0477	59.2115	62.1721	65.2807	68.5447	71.9719	4,736.92	4,973.77	5,222.46	5,483.58	5,757.75	10,302.80	10,817.95	11,358.85	11,926.79	12,523.11
0478	60.6918	63.7264	66.9127	70.2583	73.7712	4,855.34	5,098.11	5,353.02	5,620.66	5,901.70	10,560.36	11,088.39	11,642.82	12,224.94	12,836.20
0479	62.2091	65.3196	68.5856	72.0149	75.6156	4,976.73	5,225.57	5,486.85	5,761.19	6,049.25	10,824.39	11,365.61	11,933.90	12,530.59	13,157.12
0480	63.7643	66.9525	70.3001	73.8151	77.5059	5,101.14	5,356.20	5,624.01	5,905.21	6,200.47	11,094.98	11,649.74	12,232.22	12,843.83	13,486.02

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective June 27, 1995

RANGE	TITLE
512	Fire Battalion Chief
513	
514	
515	
516	
517	Fire Division Chief

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95**

SCHEDULE - E
MANAGEMENT/CONFIDENTIAL FIRE

RANGE	3.00% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0501	20.5714	21.6000	22.6800	23.8140	25.0047	1,645.71	1,728.00	1,814.40	1,905.12	2,000.38	3,579.42	3,758.40	3,946.32	4,143.64	4,350.83
0502	21.0857	22.1400	23.2470	24.4094	25.6299	1,686.86	1,771.20	1,859.76	1,952.75	2,050.39	3,668.92	3,852.36	4,044.98	4,247.23	4,459.60
0503	21.6128	22.6934	23.8281	25.0195	26.2705	1,729.02	1,815.47	1,906.25	2,001.56	2,101.64	3,760.62	3,948.65	4,146.09	4,353.39	4,571.07
0504	22.1531	23.2608	24.4238	25.6450	26.9273	1,772.25	1,860.86	1,953.90	2,051.60	2,154.18	3,854.64	4,047.37	4,249.73	4,462.23	4,685.34
0505	22.7069	23.8422	25.0343	26.2860	27.6003	1,816.55	1,907.38	2,002.74	2,102.88	2,208.02	3,951.00	4,148.55	4,355.96	4,573.76	4,802.44
0506	23.2746	24.4383	25.6602	26.9432	28.2904	1,861.97	1,955.06	2,052.82	2,155.46	2,263.23	4,049.78	4,252.26	4,464.88	4,688.13	4,922.53
0507	23.8565	25.0493	26.3018	27.6169	28.9977	1,908.52	2,003.94	2,104.14	2,209.35	2,319.82	4,151.03	4,358.57	4,576.50	4,805.34	5,045.61
0508	24.4529	25.6755	26.9593	28.3073	29.7227	1,956.23	2,054.04	2,156.74	2,264.58	2,377.82	4,254.80	4,467.54	4,690.91	4,925.46	5,171.76
0509	25.0642	26.3174	27.6333	29.0150	30.4658	2,005.14	2,105.39	2,210.66	2,321.20	2,437.26	4,361.18	4,579.22	4,808.19	5,048.61	5,301.04
0510	25.6908	26.9753	28.3241	29.7403	31.2273	2,055.26	2,158.02	2,265.93	2,379.22	2,498.18	4,470.19	4,693.69	4,928.40	5,174.80	5,433.54
0511	26.3331	27.6498	29.0323	30.4839	32.0081	2,106.65	2,211.98	2,322.58	2,438.71	2,560.65	4,581.96	4,811.06	5,051.61	5,304.19	5,569.41
0512	26.9914	28.3410	29.7581	31.2460	32.8083	2,159.31	2,267.28	2,380.65	2,499.68	2,624.66	4,696.50	4,931.33	5,177.91	5,436.80	5,708.64
0513	27.6662	29.0495	30.5020	32.0271	33.6285	2,213.30	2,323.96	2,440.16	2,562.17	2,690.28	4,813.93	5,054.61	5,307.35	5,572.72	5,851.36
0514	28.3579	29.7758	31.2646	32.8278	34.4692	2,268.63	2,382.06	2,501.17	2,626.22	2,757.54	4,934.27	5,180.98	5,440.04	5,712.03	5,997.65
0515	29.0668	30.5201	32.0461	33.6484	35.3308	2,325.34	2,441.61	2,563.69	2,691.87	2,826.46	5,057.61	5,310.50	5,576.03	5,854.82	6,147.55
0516	29.7935	31.2832	32.8474	34.4898	36.2143	2,383.48	2,502.66	2,627.79	2,759.18	2,897.14	5,184.07	5,443.29	5,715.44	6,001.22	6,301.28
0517	30.5383	32.0652	33.6685	35.3519	37.1195	2,443.06	2,565.22	2,693.48	2,828.15	2,969.56	5,313.66	5,579.35	5,858.32	6,151.23	6,458.79
0518	31.3018	32.8669	34.5102	36.2357	38.0475	2,504.14	2,629.35	2,760.82	2,898.86	3,043.80	5,446.50	5,718.84	6,004.78	6,305.02	6,620.27
0519	32.0843	33.6885	35.3729	37.1415	38.9986	2,566.74	2,695.08	2,829.83	2,971.32	3,119.89	5,582.66	5,861.80	6,154.88	6,462.62	6,785.76
0520	32.8864	34.5307	36.2572	38.0701	39.9736	2,630.91	2,762.46	2,900.58	3,045.61	3,197.89	5,722.23	6,008.35	6,308.76	6,624.20	6,955.41
0521	33.7086	35.3940	37.1637	39.0219	40.9730	2,696.69	2,831.52	2,973.10	3,121.75	3,277.84	5,865.30	6,158.56	6,466.49	6,789.81	7,129.30
0522	34.5513	36.2789	38.0928	39.9974	41.9973	2,764.10	2,902.31	3,047.42	3,199.79	3,359.78	6,011.92	6,312.52	6,628.14	6,959.54	7,307.52
0523	35.4151	37.1859	39.0452	40.9975	43.0474	2,833.21	2,974.87	3,123.62	3,279.80	3,443.79	6,162.23	6,470.34	6,793.87	7,133.57	7,490.24
0524	36.3005	38.1155	40.0213	42.0224	44.1235	2,904.04	3,049.24	3,201.70	3,361.79	3,529.88	6,316.29	6,632.10	6,963.70	7,311.89	7,677.49
0525	37.2080	39.0684	41.0218	43.0729	45.2265	2,976.64	3,125.47	3,281.74	3,445.83	3,618.12	6,474.19	6,797.90	7,137.78	7,494.68	7,869.41
0526	38.1382	40.0451	42.0474	44.1498	46.3573	3,051.06	3,203.61	3,363.79	3,531.98	3,708.58	6,636.06	6,967.85	7,316.24	7,682.06	8,066.16

Exhibit "D"

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 27, 1995

RANGE	TITLE
1612	
1613	
1614	
1615	
1616	
1617	
1618	
1619	
1620	
1621	Police Captain

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95

SCHEDULE - G
 MANAGEMENT/CONFIDENTIAL - POLICE - UNREPRESENTED

RANGE	3.00% HOURLY					BY-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	18.7609	19.6989	20.6838	21.7180	22.8039	1,500.87	1,575.91	1,654.70	1,737.44	1,824.31	3,264.39	3,427.60	3,598.97	3,778.93	3,967.87
1602	19.2299	20.1914	21.2010	22.2611	23.3742	1,538.39	1,615.31	1,696.08	1,780.89	1,869.94	3,346.00	3,513.30	3,688.97	3,873.44	4,067.12
1603	19.7106	20.6961	21.7309	22.8174	23.9583	1,576.85	1,655.69	1,738.47	1,825.39	1,916.66	3,429.65	3,601.13	3,781.17	3,970.22	4,168.74
1604	20.2034	21.2136	22.2743	23.3880	24.5574	1,616.27	1,697.09	1,781.94	1,871.04	1,964.59	3,515.39	3,691.17	3,875.72	4,069.51	4,272.98
1605	20.7085	21.7439	22.8311	23.9727	25.1713	1,656.68	1,739.51	1,826.49	1,917.82	2,013.70	3,603.28	3,783.43	3,972.62	4,171.26	4,379.80
1606	21.2262	22.2875	23.4019	24.5720	25.8006	1,698.10	1,783.00	1,872.15	1,965.76	2,064.05	3,693.37	3,878.03	4,071.93	4,275.53	4,489.31
1607	21.7569	22.8447	23.9869	25.1862	26.4455	1,740.55	1,827.58	1,918.95	2,014.90	2,115.64	3,785.70	3,974.99	4,173.72	4,382.41	4,601.52
1608	22.3008	23.4158	24.5866	25.8159	27.1067	1,784.06	1,873.26	1,966.93	2,065.27	2,168.54	3,880.33	4,074.34	4,278.07	4,491.96	4,716.57
1609	22.8583	24.0012	25.2013	26.4614	27.7845	1,828.66	1,920.10	2,016.10	2,116.91	2,222.76	3,977.34	4,176.22	4,385.02	4,604.28	4,834.50
1610	23.4298	24.6013	25.8314	27.1230	28.4792	1,874.38	1,968.10	2,066.51	2,169.84	2,278.34	4,076.78	4,280.62	4,494.66	4,719.40	4,955.39
1611	24.0155	25.2163	26.4771	27.8010	29.1911	1,921.24	2,017.30	2,118.17	2,224.08	2,335.29	4,178.70	4,387.63	4,607.02	4,837.37	5,079.26
1612	24.6159	25.8467	27.1390	28.4960	29.9208	1,969.27	2,067.74	2,171.12	2,279.68	2,393.66	4,283.16	4,497.33	4,722.19	4,958.30	5,206.21
1613	25.2313	26.4929	27.8175	29.2084	30.6688	2,018.50	2,119.43	2,225.40	2,336.67	2,453.50	4,390.24	4,609.76	4,840.25	5,082.26	5,336.36
1614	25.8621	27.1552	28.5130	29.9387	31.4356	2,068.97	2,172.42	2,281.04	2,395.10	2,514.85	4,500.01	4,725.01	4,961.26	5,209.34	5,469.80
1615	26.5087	27.8341	29.2258	30.6871	32.2215	2,120.70	2,226.73	2,338.06	2,454.97	2,577.72	4,612.52	4,843.14	5,085.28	5,339.56	5,606.54
1616	27.1714	28.5300	29.9565	31.4543	33.0270	2,173.71	2,282.40	2,396.52	2,516.34	2,642.16	4,727.82	4,964.22	5,212.43	5,473.04	5,746.70
1617	27.8507	29.2432	30.7054	32.2407	33.8527	2,228.06	2,339.46	2,456.43	2,579.26	2,708.22	4,846.03	5,088.33	5,342.74	5,609.89	5,890.38
1618	28.5470	29.9744	31.4731	33.0468	34.6991	2,283.76	2,397.95	2,517.85	2,643.74	2,775.93	4,967.18	5,215.54	5,476.32	5,750.13	6,037.65
1619	29.2607	30.7237	32.2599	33.8729	35.5665	2,340.86	2,457.90	2,580.79	2,709.83	2,845.32	5,091.37	5,345.93	5,613.22	5,893.88	6,188.57
1620	29.9922	31.4918	33.0664	34.7197	36.4557	2,399.38	2,519.34	2,645.31	2,777.58	2,916.46	5,218.65	5,479.56	5,753.55	6,041.24	6,343.30
1621	30.7420	32.2791	33.8931	35.5878	37.3672	2,459.36	2,582.33	2,711.45	2,847.02	2,989.38	5,349.11	5,616.57	5,897.40	6,192.27	6,501.90
1622	31.5106	33.0861	34.7404	36.4774	38.3013	2,520.85	2,646.89	2,779.23	2,918.19	3,064.10	5,482.85	5,756.99	6,044.83	6,347.06	6,664.42
1623	32.2984	33.9133	35.6090	37.3895	39.2590	2,583.87	2,713.06	2,848.72	2,991.16	3,140.72	5,619.92	5,900.91	6,195.97	6,505.77	6,831.07
1624	33.1059	34.7612	36.4993	38.3243	40.2405	2,648.47	2,780.90	2,919.94	3,065.94	3,219.24	5,760.42	6,048.46	6,350.87	6,668.42	7,001.85
1625	33.9335	35.6302	37.4117	39.2823	41.2464	2,714.68	2,850.42	2,992.94	3,142.58	3,299.71	5,904.43	6,199.66	6,509.64	6,835.11	7,176.87
1626	34.7818	36.5209	38.3469	40.2642	42.2774	2,782.54	2,921.67	3,067.75	3,221.14	3,382.19	6,052.02	6,354.63	6,672.36	7,005.98	7,356.26

Exhibit "F"

CITY OF MODESTO
 CLASS RANGE TABLE
 EXECUTIVE MANAGEMENT

Effective June 27, 1995

RANGE	TITLE	MINIMUM	MAXIMUM
703	City Clerk/Auditor	4115	5144
704			
705-711			
712			
713	Personnel Director	5266	6584
714			
715			
716			
717	Finance Director	5814	7268
718			
719			
720	Parks & Recreation Director Fire Chief	6261	7827
721			
722	City Attorney Police Chief Community Development Director	6578	8222
723	Public Works and Transportation Director	6742	8428
724	Deputy City Manager	6911	8639
725			
726			
727			
728	City Manager	7628	9536

MODESTO CITY COUNCIL
RESOLUTION NO. 95-311

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING DEPARTMENT HEADS AND COUNCIL APPOINTEES.

WHEREAS, by Resolution No. 94-386 adopted by the Council on June 28, 1994, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the Council desires to amend that policy as it pertains to unrepresented management and confidential employees, including department heads and Council appointees,

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

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay eight percent (8%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 25, 1996, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions

(EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay six and one-half percent (6.5%) of the normal member contributions of seven percent (7%) as employer paid member contributions (EPMC) and report same to PERS as compensation for non-safety management and confidential employees (miscellaneous members). Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 25, 1996, the City of Modesto elects to pay six and one-quarter percent (6.25%) of the normal member contributions of seven percent (7%) as employer paid member contributions (EPMC) and report same to PERS as compensation for non-safety management and confidential employees (miscellaneous members). Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

The effective date of this Resolution shall be June 27, 1995.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 94-386 not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1995, by Councilmember Muratore, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-312

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 94-35.

WHEREAS, Section 5-5.32 of the Modesto Municipal Code provides that charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 94-35, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing July 1, 1995, and

WHEREAS, June 27, 1995, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated June 22, 1995, from the Public Works and Transportation Department, a copy of which is on file

in the office of the City Clerk, sets forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Charges for Garbage Service, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective July 1, 1995, until revised by the City Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 94-35 is hereby superseded, effective July 1, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by

Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Monthly Rates

(Once a Week Pickup Service)

One 60 gallon container	\$11.44
One 90 gallon container	13.90
Each additional container	10.73

The standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) (a-5).

DETACHABLE CONTAINERS

Number of Collections Per Week

Container Size	1	2	3	4	5	6
1 CY	29.03	48.06	67.09	86.12	105.15	124.18
1 1/2 CY	38.55	67.10	95.65	124.20	152.75	181.30
2 CY	48.06	86.12	124.18	162.24	200.30	238.36
3 CY	67.09	124.18	181.27	238.36	295.45	352.54
4 CY	86.12	162.24	238.36	314.48	390.60	466.72
5 CY	105.15	200.30	295.45	390.60	485.75	580.90
6 CY	124.18	238.36	352.54	466.72	580.90	695.08

DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size	1 CY to 6 CY
Monthly rental rate	10.00

DROP BOX CONTAINERS

Pickup charge	\$100.00	Pickup	
Rental	2.00	Day with \$50.00 maximum for each 30-day rental period	
Disposal charge		Actual charge to be paid by customer	

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS

Number of Collections per week

Front Loader Type	1	2	3	4	5	6
3 CY	87.60	175.20	262.80	350.40	438.00	525.60
4 CY	112.77	225.54	338.31	451.08	563.85	676.62

Roll-Off Type - 6 CY to 40 CY 91.85 per pickup
Washing of compactor at the request of customer \$30. Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

Standard containers or equivalent	\$ 3.50 plus \$0.60/container
Detachable containers	\$12.00 plus \$2.50/CY

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<u>1 CY</u>	<u>1 1/2 CY</u>	<u>2 CY</u>	<u>3 CY</u>	<u>4 CY</u>	<u>5 CY</u>	<u>6 CY</u>
10.12	11.00	12.10	15.40	20.24	25.08	29.92

NOTATIONS

- The above residential rates include the 10 cent per month per household recycling surcharge.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-313

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BULK GASOLINE AND DIESEL FUELS FROM THE BEST AVAILABLE SOURCES TO MEET CITY NEEDS FOR FISCAL YEAR 1995-1996

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of bulk gasoline and diesel fuels for the fiscal year 1994-95 is hereby waived.

BE IT FURTHER RESOLVED that purchase of gas and diesel fuels from the source with the best available price or from any other source available in the event of restricted supplies, 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 June, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-314

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR THE TRAFFIC SIGNAL CONSTRUCTION PROJECT AT YOSEMITE BOULEVARD/CREEKWOOD DRIVE

WHEREAS, bids for the traffic signal construction project at Yosemite Boulevard/Creekwood Drive, were opened on June 13, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical in the amount of \$89,500, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical 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 June, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-315

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$38,478 TO PROVIDE FUNDING FOR THE TRAFFIC SIGNAL CONSTRUCTION PROJECT AT YOSEMITE BOULEVARD/CREEKWOOD DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Coffee/Rumble (141 160 1601 E447)	\$20,000
	Coffee/Floyd (141 160 1601 E446)	\$18,478
TO:	Yosemite Blvd/Creekwood Traffic Signal (141 160 1601 D298)	\$38,478

These funds are needed to complete the traffic signal construction project at Yosemite Boulevard/Creekwood Drive. The two project accounts from which funds are being transferred have a surplus of funds available and will not affect the successful completion of these projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-316

A RESOLUTION ACCEPTING THE MILDRED PERKINS PARK BALLFIELD IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Mildred Perkins Park ballfield improvements has been completed by Ireland's in accordance with the contract agreement dated January 17, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Mildred Perkins Park ballfield improvements, be accepted from said contractor, Ireland's; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$32,212.60 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-317

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$38,000 TO PROVIDE FUNDING FOR THE EMERALD INFLUENT PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Lakewood sewer trunk extension (622 480 D311 6050)	\$38,000
TO:	Emerald Influent project (622 480 E600 6060)	\$38,000

During the course of construction, a number of unforeseen conditions were encountered which resulted in additional expenditures being charged against the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-318

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY OR APPROPRIATE TO IMPLEMENT AND CARRY OUT THE SETTLEMENT AND ASSET PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF MODESTO AND THE DEL ESTE WATER COMPANY.

WHEREAS, the Settlement And Asset Purchase Agreement (the "Agreement") previously approved by the City Council on March 7, 1995, contemplates that the transaction will close on or about July 1, 1995, and

WHEREAS, the Agreement also contemplates that several other collateral agreements will be executed on or before the closing date, and

WHEREAS, the Agreement also requires that someone on behalf of the City shall execute various authorizations, consents, waivers, certificates, assignments, and assumptions prior to closing,

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 take such actions and execute such documents as may be necessary or appropriate to implement and carry out the Settlement And Asset Purchase Agreement by and between the City of Modesto and the Del Este Water Company dated March 7, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

The foregoing is a correct copy of the original on file in this office which has not been revoked and is now in full force and effect.
ATTEST:

JUDY C. HALL, Acting City Clerk of the City of Modesto, County of Stanislaus, State of California.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-319

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$10.2 MILLION TO A NEW CIP ACCOUNT FOR THE PURCHASE OF THE DEL ESTE WATER COMPANY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Water Certificate of Participation Fund	\$10.2 million
TO:	Purchase of Del Este Water Co.	\$10.2 million

Staff considered many alternatives for the most prudent and least costly way to complete the acquisition. This proposed redirection of bond proceeds already in hand will accomplish this with no additional cost to the new rate payers, and with a neutral impact to the existing rate payers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	Patterson

ATTEST: 
NORRINE COYLE, City Clerk

Link

**MODESTO CITY COUNCIL
RESOLUTION 95-320**

RESOLUTION AMMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUND FROM THE MID WATER FUND RESERVE IN THE AMOUNT OF \$3.65 MILLION TO PROVIDE THE REMAINING FUNDING FOR PURCHASE OF THE DEL ESTE WATER COMPANY.

BE IT RESOLVED the City Council of the City of Modesto approved the amending the Fiscal Year 1995-96 Annual Budget from MID Water Fund reserves to provide funding for Puchase of Del Este Water Company.

WHEREAS, after evaluating the available alternative financing strategies, staff is recommending utilizing the Water Fund's existing resources and amending the Water Fund's budget to appropriate funds from the MID Water Fund Reserve in the amount of \$3.65 million. This will provide the remaining financing requirement for the Del Este Water Company acquisition.

WHEREAS, on March 7, 1995 the City and Del Este Water Company entered into a Settlement Agreement for the City's acquisition of the water company. During the interim period, staff considered many alternatives and concluded the above mentioned alternative to be the most prudent and least costly way to complete the acquisition. This proposed redirection of bond proceeds already in hand will accomplish the desired results with no additional cost to the new rate payers and with a neutral impact to the existing rate payers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following change be made to the Annual Budget of the Water Fund of the City of Modesto for Fiscal Year 1995-96 as follows:

Water Fund

Fund/Agy/Org	
611-800-8000 Reserve	<\$3,650,000>
611-480-E632 Del Este Acquisition	\$3,650,000

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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clare

**MODESTO CITY COUNCIL
RESOLUTION 95-321**

RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES IN THE WATER FUND.

WHEREAS, at the direction of the City Council, staff has been evaluating various aspects of the City's acquisition of the Del Este Water Company on July 1, 1995. Staff has prepared an Operating and CIP Budget for the acquired water company to amend to the annual budget of the City of Modesto for the Fiscal Year 1995-1996.

WHEREAS, this action will require adding two additional funds: Fund 615-MID Service Area (receives treated water), and Fund 616-Non-MID Service Area. The MID Service Area will contain three operating organizations: Operations, DBCP, and Billing and Collection. The Non-MID Service Area will contain two organizations: Operations and Billing and Collection.

WHEREAS, it is necessary to amend the annual budget of the City of Modesto for Fiscal Year 1995-96 to re-estimate total City revenues and expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Annual Budget of the Water Fund of the City of Modesto for Fiscal Year 1995-96 as shown in:

- Schedule I DEWC Budget Amendments
- Schedule II DEWC Staffing Impacts
- Schedule III DEWC Revenue
- Schedule IV Water Fund Proforma

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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Schedule I

Water Fund - DEWC Component
Fiscal Year 1995-96
Budget Summary

General Fund

1221 Cashiering

Employee Services	37,255
Professional & Contract Services	12,000
Material and Supplies	500
Other	
Capital	14,000
Service Credits	(63,755)
	0

1223 Utilities and Collections

Employee Services	74,511
Professional & Contract Services	130,800
Material and Supplies	23,000
Other	
Service Credits	(228,311)
	0

4612 Streets

Employee Services	
Professional & Contract Services	
Material and Supplies	
Other	
Service Credits	(9,005)
	(9,005)

Water Fund

5012 Water Operations

Employee Services	727,294
Professional & Contract Services	
Material and Supplies	
Other	
Service Credits	(727,294)
	0

5099 Billing and Collections

Employee Services	
Professional & Contract Services	4,000
Material and Supplies	
Other	
Service Credits	
	4,000

Schedule I

Water Fund - DEWC Component
Fiscal Year 1995-96
Budget Summary

Wastewater Fund

5213 Wastewater Treatment-Primary

Employee Services	53,384
Professional & Contract Services	
Material and Supplies	
Other	
Service Credits	(53,384)
	0

5215 Wastewater Monitoring and Control

Employee Services	41,999
Professional & Contract Services	
Material and Supplies	
Other	
Service Credits	(41,999)
	0

5299 Billing and Collection

Employee Services	
Professional & Contract Services	6,020
Material and Supplies	
Other	
Service Credits	
	6,020

Fund 615 Non-MID Service Area

5051 Operations

Employee Services	0
Professional & Contract Services	1,375,398
Material and Supplies	3,424,880 *
Other	18,000
Service Credits	0
	4,818,278

* Includes \$3,299,000 for Water Treatment and Delivery

5052 DBCP

Employee Services	
Professional & Contract Services	315,600
Material and Supplies	
Other	
Service Credits	
	315,600

Schedule I

Water Fund - DEWC Component
Fiscal Year 1995-96
Budget Summary

5097 Billing and Collection

Employee Services	
Professional & Contract Services	167,961
Material and Supplies	
Other	
Service Credits	
	167,961

Fund 616 Non-MID Service Area

5061 Operations

Employee Services	0
Professional & Contract Services	987,971
Material and Supplies	108,560
Other	50,000
Service Credits	0
	1,146,531

5098 Billing and Collection

Employee Services	
Professional & Contract Services	112,125
Material and Supplies	
Other	
Service Credits	
	112,125

628 Storm Drain Fund

5399 Billing and Collection

Employee Services	
Professional & Contract Services	1,960
Material and Supplies	
Other	
Service Credits	
	1,960

Schedule II

Water Fund - DEWC Component
Fiscal Year 1995-96
Staffing Allocation

Staffing Allocation

Water Fund

5012 Water Operations

Supervisor	1.0
Senior Equipment Operator(1/2 Year)	0.5
Line Workers	6.0
Administrative Clerk	1.0
Pump Mechanic	3.0
Meter Repair Worker	4.0
Secretary(1/2) Year	0.5
	16.0

Wastewater Fund

5213 Wastewater Monitoring and Control

Assistant Laboratory Tech	1.0
---------------------------	-----

5213 Wastewater Treatment-Primary

Electrician	1.0
-------------	-----

General Fund

1221 Cashiering

Account Clerk	1.0
---------------	-----

1223 Utilities and Collections

Account Clerk	2.0
---------------	-----

21.0

Schedule III

Water Fund - DEWC Component
Fiscal Year 1995-96
Revenue Projection

<u>Revenue Source</u>	<u>Estimated Revenue</u>
Fund 615 MID Service Area	
4201 Water Sales-Flat	3,386,112
4202 Water Sales-Metered	3,525,600
4203 Senior/disabled discount	(5,300)
4204 Delinquent service fee	70,000
4205 Fire Standby fee	0
4250 Water Systems fee	0
4251 Water taps and connections	20,000
4252 Fire hydrant connection fees	0
4253 Water meter sales	
8121 DBCP Litigation	315,600
6101 Interest on Bank Accounts	30,000
	7,342,012
Fund 616 Non-MID Service Area	
4201 Water Sales-Flat	869,784
4202 Water Sales-Metered	1,089,924
4203 Senior/disabled discount	(1,650)
4204 Delinquent service fee	22,000
4205 Fire Standby fee	0
4250 Water Systems fee	0
4251 Water taps and connections	10,000
4252 Fire hydrant connection fees	0
4253 Water meter sales	
6101 Interest on Bank Accounts	20,000
	2,010,058
Total Revenue	9,352,070

Fund 610, Water Fund

Schedule IV

**Revenues, Expenditures, and Changes in Working Capital
1995-96 Budget**

	Total All Funds	Operating Fund 610	MID Water Fund 611	CIP/COP Fund 612	Del Este MID Fund 615	Del Este Non_MID Fund 616
Estimated Available Working Capital 6/30/95	\$5,523,753	\$4,562,956	\$918,742	\$42,055	\$0	\$0
1995-96 Estimated Revenue	\$25,606,185	\$15,975,615	\$228,500	\$50,000	\$7,342,012	\$2,010,058
Transfer in from 610 for Water T&DA	\$7,868,000	0	7,868,000	0	0	0
Transfer in from 610 for Debt Service - Water CIP bond	1,820,421	0	0	1,820,421	0	0
Transfer in from 615/616-Installment on Purchase Loan	240,000	0	240,000	0	0	0
Total Revenue	\$41,058,359	\$20,538,571	\$9,255,242	\$1,912,476	\$7,342,012	\$2,010,058
1995-96 Operating Requests	\$16,640,595	\$5,511,100	\$7,868,000	\$0	\$2,002,839	\$1,258,656
Debt Service Payments on DWR loan	\$244,000	0	0	0	244,000	0
Debt Service Payments-Advances in Aid of Construction	\$153,000	0	0	0	87,000	66,000
CIP Bonds - Principal Payments	\$1,820,421	0	0	1,820,421	0	0
T/O to 010 - Indirect Costs	\$1,385,304	1,256,288	0	0	89,152	39,864
T/O to 611 - MID water Treatment & Delivery Agreemt	\$11,167,000	7,868,000	0	0	3,299,000	0
T/O to 611 - First installment of purchase loan repayment	\$240,000	0	0	0	120,000	120,000
T/O to 612 - Bond Debt Service Pmt	\$1,820,421	1,082,421	0	0	369,000	369,000
T/O to 130 - RS6000 Debt Service	\$7,107	7,107	0	0	0	0
T/O to 720 - Vehicles 95-96	\$29,000	29,000	0	0	0	0
1995-96 CIP Requests	\$550,000	50,000	0	0	375,000	125,000
Total Appropriations	\$34,056,848	\$15,803,916	\$7,868,000	\$1,820,421	\$6,585,991	\$1,978,520
Estimated Available Working Capital 6/30/96	\$7,001,511	\$4,734,655	\$1,387,242	\$92,055	\$756,021	\$31,538

MODESTO CITY COUNCIL
RESOLUTION NO. 95-322

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION OF CERTAIN CAPITAL IMPROVEMENTS.

WHEREAS, the City of Modesto (the "City") is a chartered city and municipal corporation organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City has paid, beginning no earlier than April 28, 1995 and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition of water system capital improvements consisting of the assets of the Del Este Water Company, as more fully described in the Settlement and Asset Purchase Agreement dated March 7, 1995, among the City, the Del Este Water Company and Beard Land and Investment Company (the "Project"), and

WHEREAS, the City Council of the City (the "City Council") has determined that those moneys previously advanced on and after April 28, 1995 and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds"),

NOW, THEREFORE, BE IT RESOLVED by the Council of the

City of Modesto as follows:

Section 1. The City Council hereby declares the City's intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after April 28, 1995, which date is no more than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$10,000,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after

the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect upon its adoption by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Mark Co.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-323

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT FOR THE CITY TO ASSUME PREVIOUS DEL ESTE WATER COMPANY OBLIGATIONS UNDER THE DOMESTIC WATER PROJECT TREATMENT AND DELIVERY AGREEMENT AND RELATED MATTERS.

WHEREAS, on or about April 21, 1992, the City of Modesto ("City"), Modesto Irrigation District ("MID") and Del Este Water Company ("DEW") entered into the Treatment and Delivery Agreement Among Modesto Irrigation District, City of Modesto, and DEW (the "Treatment and Delivery Agreement"), relating to the Modesto Domestic Water Project (as defined as "Project" in the Treatment and Delivery Agreement, hereinafter the "Project"), and

WHEREAS, pursuant to the Settlement and Asset Purchase Agreement Among the City of Modesto and DEW and Beard Land and Investment Co. dated March 7, 1995 (the "Settlement and Asset Purchase Agreement"), the City acquired virtually all of the assets and liabilities of DEW, including all of DEW's rights, interests and obligations in and to the Treatment and Delivery Agreement and the Project, and

WHEREAS, section 6.4.5 of the Treatment and Delivery Agreement provides that DEW shall have the right without the prior written consent of the other parties to assign and transfer its rights and interests in the Treatment and Delivery Agreement

and the Project, subject to the conditions set forth in section 6.4.5, and

WHEREAS, section 6.4.6 of the Treatment and Delivery Agreement provides that, subject to the provisions of section 6.4.5, the Treatment and Delivery Agreement shall inure to the benefit of and bind the parties and their successors and assigns, and

WHEREAS, in approving the Treatment and Delivery Agreement, the City also approved a rate covenant as security for the financing of the Project pursuant to section 16.3.2.A of the Treatment and Delivery Agreement, and

WHEREAS, by this resolution, the City as successor of DEW intends to approve and implement the conditions of section 6.4.5 of the Treatment and Delivery Agreement as necessary to finalize and complete the transfer and assignment of DEW's rights, interests, and obligations in and to the Treatment and Delivery Agreement and Project to the City,

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

1. The City hereby assumes and accepts (a) all of the rights, interests and obligations of DEW under the Treatment and Delivery Agreement, and (b) DEW's obligations to operate the water system utility assets so transferred by DEW to the City and to conduct the retail water business attached to such assets.

2. The City hereby agrees that the security provided

by the City to MID pursuant to section 16.3.2 of the Treatment and Delivery Agreement shall also secure the obligations of DEW to MID under the Treatment and Delivery Agreement now acquired and assumed by the City.

3. The City Manager is hereby directed, immediately after the closing under the Settlement and Asset Purchase Agreement, to provide notice to MID pursuant to section 6.4.5 of the Treatment and Delivery Agreement of the transfer of DEW's rights, interests and obligations in and to the Treatment and Delivery Agreement and Project to the City, and include with such notice a certified copy of this resolution. Furthermore, the City Manager is hereby authorized and directed to enter into the Security Agreement, in substantially the form attached hereto as Exhibit A, with such insubstantial changes, additions or deletions as the City Manager shall approve, his execution thereof being conclusive evidence of such approval.

4. The City Manager is hereby authorized to file such instructions or directions with the Trustee for the City's 1992 Water Revenue Certificates of Participation in order to permit the application of not more than \$11 million of the proceeds of such Certificates to the purchase of the Del Este System pursuant to the Settlement and Asset Purchase Agreement.

5. The City Manager or his designee is hereby authorized to execute and deliver such agreements or certificates as are necessary or appropriate in order to assist MID in

converting to a fixed interest rate the financing for Del Este's portion of the Project as contemplated by section 18.5.2.C of the Treatment and Delivery Agreement, including a continuing disclosure agreement with respect to any offering documents used for the sale of Modesto Irrigation District Financing Authority bonds.

6. This resolution is contingent upon, and shall not take effect until, the closing of the purchase and sale of the assets from DEW to the City pursuant to the terms and conditions of the Settlement and Asset Purchase Agreement. If, for whatever reason, the transfer and acquisition contemplated by the Settlement and Asset Purchase Agreement does not close, then this resolution shall have no force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SECURITY AGREEMENT

by and between

MODESTO IRRIGATION DISTRICT

and

CITY OF MODESTO

Dated as of July 1, 1995

RELATING TO

**MODESTO IRRIGATION DISTRICT FINANCING AUTHORITY
DOMESTIC WATER PROJECT REVENUE BONDS,
SERIES 1995C**

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SECURITY AGREEMENT

THIS SECURITY AGREEMENT is dated as of July 1, 1995, by and between the MODESTO IRRIGATION DISTRICT, an irrigation district duly organized and existing under and by virtue of the laws of the State of California (the "District") and the CITY OF MODESTO, a municipal corporation, duly organized and existing under and by virtue of the laws of the State of California (the "City"),

WITNESSETH:

WHEREAS, Article 1 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California authorizes and empowers the District and the City of Redding, California ("Redding") to form a joint powers authority and Article 4 of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California authorizes and empowers such an authority to cause to be issued revenue bonds for the purpose of financing public capital improvements, working capital, liability and other insurance needs or projects whenever there are significant public benefits as determined by the local agency; and

WHEREAS, pursuant to the laws of the State of California, the District and Redding have created and established the Modesto Irrigation District Financing Authority (the "Authority") for the purpose of financing the acquisition, design, construction, installation and improvement of certain treatment, transmission and distribution facilities and administration facilities and equipment of the District; and

WHEREAS, the District is authorized under the provisions of the California Irrigation District Law, constituting Division 11 of the California Water Code, as amended, to make and perform any necessary contracts to acquire interests in and construct facilities for the generation, transmission and distribution of electricity, for the exchange, transfer and delivery of water and for other District purposes; and

WHEREAS, the Authority pursuant to an Installment Purchase Contract, dated as of November 1, 1992 and amended and restated as of July 1, 1995 (the "Installment Purchase Contract"), by and between the Authority and the District is authorized to assist the District in financing the acquisition, design, construction and installation of the domestic water treatment and delivery system of the District (the "Project") through the issuance of revenue bonds of the Authority; and

WHEREAS, the District desires to issue its Domestic Water Project Revenue Bonds, Series 1995C (the "Bonds") pursuant to the terms and provisions of that certain Trust Agreement, dated as of July 1, 1995 (the "Trust Agreement"), by and among the Authority, the District and First Interstate Bank of California, as trustee, to finance the Project; and

WHEREAS, pursuant to the Trust Agreement, the Bonds are payable from revenues consisting of certain installment payments (the "Installment Payments") received by the Authority from the District pursuant to the terms and provisions of the Installment Purchase Contract; and

WHEREAS, the Installment Payments are payable from and secured by a pledge of payments to be made by the City to the District pursuant to the terms and provisions of that certain Treatment and Delivery Agreement (the "Treatment and Delivery Agreement") entered into among the City, the District and Del Este Water Company ("Del Este"); and

WHEREAS, pursuant to the Treatment and Delivery Agreement, the obligation of the City to make payments to the District under such Treatment and Delivery Agreement is limited to City Gross Water Revenues (as hereinafter defined); and

WHEREAS, pursuant to that certain Settlement and Asset Purchase Agreement, dated as of March 7, 1995 (the "Acquisition Agreement"), by and among the City, Del Este and Beard Land and Investment Company ("Beard"), the City acquired the assets of Del Este from Beard; and

WHEREAS, in connection with such acquisition of Del Este's assets, the City pursuant to the Acquisition Agreement assumed certain liabilities of Del Este, including Del Este's obligations under the Treatment and Delivery Agreement (the "1995 City Assumed Obligations"); and

WHEREAS, the City and the District desire to secure for the term of this Security Agreement the City's payment of the 1995 City Assumed Obligations to the District pursuant to the terms and provisions as set forth herein;

NOW THEREFORE, in consideration of the above recitals and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the District and the City agree as follows:

1. Definitions. Unless the context otherwise requires, the terms defined in this section shall for all purposes hereof and of any amendment hereof or supplement hereto and of any report or other document mentioned herein or therein have the meanings defined herein, the following definitions to be equally applicable to both the singular and plural forms of any of the terms defined herein:

(a) Acquisition Agreement. The term "Acquisition Agreement" shall mean that certain Settlement and Asset Purchase Agreement, dated as of March 7, 1995, by and among the City, Del Este and Beard Land and Investment Company.

(b) Authority. The term "Authority" means the Modesto Irrigation District Financing Authority, a joint exercise of powers authority duly organized and existing under and by virtue of the laws of the State of California.

(c) Bonds. The term "Bonds" means the Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 1995C.

(d) CDWR Loan. The term "CDWR Loan" means that certain loan in the outstanding aggregate principal amount of \$4,340,550 by the State of California Department of Water Resources ("CDWR") to Del Este pursuant to a loan contract, dated June 10, 1993, by and between the CDWR and Del Este, which the City assumed pursuant to the terms and provisions of the Acquisition Agreement.

(e) City. The term "City" means the City of Modesto, a municipal corporation organized and existing under and by virtue of the laws of the State of California.

(f) City Certificates. The term "City Certificates" means \$25,065,000 aggregate principal amount of outstanding Certificates of Participation (1992 Water System Improvement Project), evidencing direct, undivided fractional interests in installment payments to be made by the City pursuant to an Installment Sale Agreement, dated as of November 1, 1992, by and between the City and the Modesto Public Financing Authority.

(g) City Gross Water Revenues. The term "City Gross Water Revenues" shall have the meaning set forth in the Treatment and Delivery Agreement.

(h) City Municipal Water System. The term "City Municipal Water System" shall have the meaning set forth in the Treatment and Delivery Agreement.

(i) Depository. The term "Depository" shall mean First Interstate Bank of California, as the District's depository bank.

(j) District. The term "District" means Modesto Irrigation District, an irrigation district duly organized and existing under and by virtue of the laws of the State of California.

(k) 1995 City Assumed Obligations. The term "1995 City Assumed Obligations" shall mean the obligations of Del Este under the Treatment and Delivery Agreement which have been assumed by the City pursuant to the terms and provisions of the Acquisition Agreement.

(l) Security Agreement Account. The term "Security Agreement Account" shall mean the account established pursuant to Section 4(d) hereof.

(m) Senior Obligations. The term "Senior Obligations" means the following obligations of the City: (i) the obligations of the City entered into in 1992 under the Treatment and Delivery Agreement; (ii) the City Certificates; and (iii) the CDWR Loan.

(n) Treatment and Delivery Agreement. The term "Treatment and Delivery Agreement" means the Treatment and Delivery Agreement, executed and delivered during 1992 by the District, the City and Del Este.

(o) Trust Agreement. The term "Trust Agreement" means the Trust Agreement, dated as of July 1, 1995, by and among the Trustee, the District and the Authority which provides for the issuance of the Bonds.

(p) Trustee. The term "Trustee" means First Interstate Bank of California, San Francisco, California, acting in its capacity as Trustee under and pursuant to the Trust Agreement, and its successors and assigns.

2. Maximum Term of Security Agreement. The term of this Security Agreement shall commence on July 1, 1995 and shall terminate on July 31, 1996, unless such term is terminated sooner as hereinafter provided.

3. Representations and Warranties. The City hereby represents and warrants that:

(a) Authority. It has the authority, and has completed all proceedings and obtained all approvals and consents necessary, to execute, deliver and perform this Security Agreement and the transactions contemplated hereby;

(b) No Default. Such execution, delivery and performance of this Security Agreement will not contravene, or constitute a default under or pursuant to any applicable law or regulation or any contract, agreement, judgment, order, decree, or other instrument binding upon or affecting the City;

(c) Enforceability. This Security Agreement constitutes a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

(d) No Litigation. There is no action, suit or proceeding pending or, to the best knowledge of the City after reasonable investigation, threatened against the City which might, (i) restrain or enjoin the execution or delivery of this Security Agreement, or (ii) adversely affect the validity or enforceability of, or the authority or ability of the City to perform its obligations under, this Security Agreement.

4. Covenants and Agreements of the City. The City hereby agrees:

(a) The City does hereby pledge, lien and encumber the City Gross Water Revenues to secure the 1995 City Assumed Obligations; provided that such pledge, lien and encumbrance shall be subordinate only to the Senior Obligations of the City.

(b) The City hereby agrees that upon the filing of a written report described in Section 4(f) hereof which demonstrates that the 1995 City Assumed Obligations may be secured by a parity lien with the Senior Obligations, (i) it will file a certificate, substantially in the form attached hereto as Exhibit A (the "Certificate of the City") signed by an authorized representative of the City, with the District, the Trustee and the trustee for the City Certificates to that effect, (ii) this Security Agreement shall terminate and (iii) the existing pledge of the

Treatment and Delivery Agreement shall secure the 1995 City Assumed Obligations on a parity with other Senior Obligations.

(c) The City shall not, throughout the term of this Security Agreement, (i) incur any indebtedness or obligation of any kind that is secured by a pledge or lien senior to the 1995 City Assumed Obligations and (ii) incur any indebtedness or obligation of any kind that is secured by a pledge or lien on a parity with the Security Agreement in an aggregate amount greater than \$4,500,000 plus related costs of issuance and a reasonably required reserve fund.

(d) Throughout the term of this Security Agreement, the City shall establish and maintain with First Interstate Bank of California, the District's depository bank (the "Depository"), a special reserve and redemption account (the "Security Agreement Account") and shall at all times maintain on deposit therein an amount equal to Maximum Annual Debt Service (as that term is defined in the Treatment and Delivery Agreement) on the 1995 City Assumed Obligations. Amounts on deposit in the Security Agreement Account may be applied by the District in its discretion to satisfy any payment due and payable from the City under the 1995 City Assumed Obligations which the City has not paid in a timely manner. Upon termination of this Security Agreement, the District shall immediately direct the Depository to transfer the funds on deposit in the Security Agreement Account to the City. The initial deposit to the Security Agreement Account shall be made from lawfully available funds of the City placed on deposit with the Depository. Investment earnings on the amounts on deposit in the Security Agreement Account shall be transferred monthly to the City.

(e) Except for the Senior Obligations and Section 4(c) above, the City shall not pledge or encumber any City Gross Water Revenues or other City Municipal Water System assets in a manner that has priority over, or is senior to, or is on a parity with the pledge set forth in this Security Agreement.

(f) The City shall file a written report with the District at least once each month, commencing August 1, 1995, detailing its calculation of the debt service coverage ratio based upon City Gross Water Revenues for the preceding 12 consecutive months and calculated in a manner consistent with the additional borrowing covenant for the City Certificates so that the parties to this Security Agreement can monitor the City's progress towards achieving parity senior lien status for the 1995 City Assumed Obligations.

(g) If upon the expiration of the maximum term of this Security Agreement the City has not yet filed its Certificate of the City described in Section 4(b) above, the City shall take all necessary steps to have the 1995 City Assumed Obligations secured by a parity lien with the Senior Obligations, including without limitation one of the following options, as the City in its discretion may determine: (a) refinancing the City Certificates; (b) obtaining consent of the owners of the City Certificates to a modification of the additional borrowing covenant for the City Certificates; (c) increasing municipal water rates or reducing operating and maintenance expenses to the extent necessary to satisfy such additional borrowing covenant.

5. Severability. If any section, paragraph, sentence, clause or provision of this Security Agreement shall for any reason be held to be invalid or unenforceable, the

invalidity or unenforceability of such section, paragraph, sentence, clause or provision shall not affect any of the remaining provisions of this Security Agreement.

6. Successors and Assigns. All of the covenants and agreements in this Security Agreement contained by or on behalf of the District or the City shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

7. Governing Law. This Security Agreement shall be governed by the applicable laws of the State of California.

8. Business Day. Whenever under the terms of this Security Agreement the performance date of any act to be done hereunder shall fall on a day which is not a Sunday nor a legal holiday nor a day upon which banking institutions are authorized by law to close, the performance thereof on the next succeeding day which is not a Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close shall be deemed to be in full compliance with this Security Agreement.

9. Headings. Any headings preceding the text of the several Sections hereof, and any table of contents appended to copies hereof, are for convenience of reference only and shall not constitute a part of this Security Agreement, nor shall they affect its meaning, construction or effect.

10. Counterparts. This Security Agreement may be executed in any number of counterparts, each of which for all purposes shall be deemed to be one original and all of which shall together constitute but one and the same instrument.

11. Amendment. This Security Agreement may not be amended or modified except by writing, duly authorized, executed and delivered by each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed and attested this Security Agreement by their officers thereunto duly authorized as of the day and year first written above.

MODESTO IRRIGATION DISTRICT

By _____
General Manager

CITY OF MODESTO

By _____
Mayor

(SEAL)

Attest

City Clerk

EXHIBIT A

[FORM OF CERTIFICATE OF THE CITY]

CERTIFICATE OF THE CITY OF MODESTO

The undersigned authorized representative of the City of Modesto (the "City") hereby certifies that:

1. I am an authorized representative of the City authorized to execute this Certificate on behalf of the City.
2. The 1995 City Assumed Obligations are now secured by a parity lien with the Senior Obligations.
3. The existing pledge of the Treatment and Delivery Agreement now secures the 1995 City Assumed Obligations on a parity with the Senior Obligations.
4. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in that certain Security Agreement, dated as of July 1, 1995, by and between the City and the Modesto Irrigation District.

IN WITNESS WHEREOF, I hereunto set my hand this _____ day of _____, 199__.

CITY OF MODESTO

By _____
Authorized Representative

Curt

MODESTO CITY COUNCIL
RESOLUTION NO. 95-324

A RESOLUTION ADOPTING A RATE STRUCTURE AND RATE SCHEDULE FOR THE CUSTOMERS SERVED BY THE DEL ESTE WATER COMPANY FOR THE NEW SERVICE AREA TO BE ACQUIRED UNDER A SETTLEMENT AGREEMENT IN THE EMINENT DOMAIN PROCEEDINGS.

WHEREAS, on March 7, 1995, the City entered into a settlement agreement on the eminent domain proceedings wherein the City sought to acquire the Del Este Water Company, and

WHEREAS, the attached rate schedule shows the proposed rate for each customer class, and

WHEREAS, a significant feature of the proposed rate structure is the creation of two new rate zones to include the Del Este area, to distinguish from the current customer area, and

WHEREAS, the Utility Services and Franchises Committee reviewed this proposal on June 20, 1995, and

WHEREAS, on June 27, 1995, the Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following rate structure to distinguish the current customer area and to include the customers served by the Del Este Water Company is hereby established as follows:

RATE STRUCTURE:

- Zone 1: Current and any additional City water customers.
- Zone 2: Del Este customers receiving MID Drinking Water Plant water.
- Zone 3: Del Este customers in outlying communities, not receiving MID water.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following rate schedule to distinguish the current customer area and to include the customers served by the Del Este Water Company is hereby established as follows:

RATE SCHEDULE:

The rates for metered and flat rate customers shall be as shown on Schedule A attached.

EFFECTIVE DATE: The effective date of the above rate structure and rate schedule shall be as shown on Schedule A attached. The July 7, 1995, date as shown on Schedule A attached, is the anticipated date of the Del Este escrow closing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Schedule A
CITY OF MODESTO
RATE STRUCTURE & RATES
FOR FORMER DEL ESTE WATER COMPANY CUSTOMERS

	ZONE 2	ZONE 3
SCHEDULE 1		
Metered Water	w/M.I.D	
Effective July 7, 1995		
Quantity Rates		
1st 10,000 cf/Cc	1.005	0.475
Over 10,000 cf/Cc	0.971	0.436
Service Charge		
5/8"	\$5.80	\$6.22
3/4"	\$8.12	\$8.79
1"	\$10.17	\$11.02
1-1/2"	\$15.53	\$16.67
2"	\$21.09	\$22.56
3"	\$33.73	\$36.05
4"	\$51.58	\$54.72
6"	\$83.08	\$87.97
8"	\$119.27	\$125.97
10"	\$180.55	\$191.14
12"	\$219.36	\$232.32

SCHEDULE 2		
Flat Rate Sales		
Effective August 1, 1995		
	\$24.61	\$12.35
0-6,000 SF	\$28.58	\$14.39
6-10,000 SF	\$34.30	\$17.24
10-16,000 SF	\$41.11	\$20.62
16-25,000 SF	\$50.73	\$25.46
OVER 25,000 SF		

SCHEDULE 4		
Private Fire Protection Service		
Effective July 7, 1995		
Per inch diameter		
	\$4.28	\$4.70

NOTES:

1. Includes DWR surcharge & M.I.D. obligations
2. Zone 1 is the existing City water customers.
3. Connection charges per existing City fee schedule

Wise

MODESTO CITY COUNCIL
RESOLUTION NO. 95-325

A RESOLUTION ESTABLISHING WATER CONNECTION CHARGES FOR THE CUSTOMERS SERVED BY THE DEL ESTE WATER COMPANY FOR THE NEW SERVICE AREA TO BE ACQUIRED UNDER A SETTLEMENT AGREEMENT IN THE EMINENT DOMAIN PROCEEDINGS.

WHEREAS, on March 7, 1995, the City entered into a settlement agreement on the eminent domain proceedings wherein the City sought to acquire the Del Este Water Company, and

WHEREAS, the Utility Services and Franchises Committee reviewed this proposal on June 20, 1995, and

WHEREAS, on June 27, 1995, the Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following connection charges for the customers served by the Del Este Water Company are hereby established as follows:

CONNECTION CHARGES:

1. For customers in the former Del Este territory and within the Modesto City limits, the established connection charges shall apply as set forth in Resolution No. 93-261.
2. For customers in the former Del Este territory and outside the City limits, the connection charges for new services shall be calculated based on actual costs to extend mains and make the service connection, except when there is an existing

outside City water service connection agreement, which could take precedence over this resolution and which decision would be based on the discretion of the Public Works and Transportation Director.

EFFECTIVE DATE: The effective date of the above water connection charges for the customers served by the Del Este Water Company for the new service area to be acquired under a settlement agreement in the eminent domain proceedings shall be July 7, 1995, the anticipated date of the Del Este escrow closing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-326

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA CHECK CASHING, INC. TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2508 OAKDALE ROAD, #3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Check Cashing, Inc. to receive utility bill payments from customers at 2508 Oakdale Road #3, 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-327

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA CHECK CASHING, INC. TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1320 STANDIFORD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Check Cashing, Inc. to receive utility bill payments from customers at 1320 Standiford Avenue 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-328

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
NEW DEAL MARKET TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT
1612 CROWSLANDING ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and New Deal Market to receive utility bill
payments from customers at 1612 Crowslanding Road 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 27th day of June, 1995, by Councilmember
Friedman, who moved its adoption, which motion being duly seconded by
Councilmember Muratore, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-329

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
QUESENBERRY'S WATERFORD PHARMACY TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Quesenberry's Waterford Pharmacy to receive utility bill payments from customers 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	Cogdill
ABSENT:	Councilmembers:	Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-330

A RESOLUTION AUTHORIZING A COMBINED TOTAL REDUCTION IN AUDITED TRANSIENT OCCUPANCY TAX DUE THE CITY FOR CALENDAR YEARS 1991 THROUGH 1993 FOR MALLARDS INN, RED LION HOTEL, SUPER 8 LODGE, TOWN HOUSE LODGE, AND VAGABOND MOTOR MOTEL.

WHEREAS, in the Finance Department's Organization Study conducted by Arroyo Seco Associates, Inc., a recommendation was suggested that the City should initiate a new audit program for the Business License Section, and

WHEREAS, on June 8, 1993, the Council, by Resolution No. 93-337, authorized an amended agreement with Municipal Resource Consultants (MRC) to conduct audits for business license tax franchise fees, transient occupancy tax, utility user tax and documentary transfer tax in addition to sales tax audits already being performed by MRC, and

WHEREAS, MRC has recently completed its audits of hotels/motels for compliance of the Transient Occupancy Tax for calendar years 1991 through 1993, and

WHEREAS, audit findings show that 19 of 23 hotels audited were not in compliance with the City's Transient Occupancy Tax, and potentially \$138,824 in taxes are due the City, and

WHEREAS, the primary problem being that hotel/motel operators were exempting Federal, State and local government officials from the tax, which exemption is not provided for under

Section 8-2.604 of the Modesto Municipal Code, and City staff should have challenged the exemptions, and

WHEREAS, City staff has recommended a fifty percent (50%) reduction in audited taxes due the City for calendar years 1991 through 1993 for Mallards Inn, Red Lion Hotel, Super 8 Lodge, Town House Lodge, and Vagabond Motor Motel, the combined total representing \$28,352, and the Financial Policy Committee has reviewed and agreed with the staff recommendation, and

WHEREAS, the Council considered this matter at its meeting of June 27, 1995,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby authorizes a fifty percent (50% reduction in audited taxes due the City for calendar years 1991 through 1993 for Mallards Inn, Red Lion Hotel, Super 8 Lodge, Town House Lodge, and Vagabond Motor Motel, the combined total reduction in the amount of \$28,352 for audited Transient Occupancy Tax due the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Patterson

ATTEST:


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-331

A RESOLUTION REQUIRING THAT CANDIDATES FOR
THE NOVEMBER 7, 1995, REGULAR MUNICIPAL
ELECTION SHALL PAY THE COST OF THEIR
STATEMENTS.

WHEREAS, according to Fair Political Practices
Commission ruling, Proposition 73, November, 1988, the City is
prohibited from bearing any expense of candidates' statements,
and

WHEREAS, State Elections Code Section 13307, which is
still in effect, provides that before the opening of the
nomination period the Council must determine whether the
candidates will pay for their statements,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby declares that candidates for election in
the Regular Municipal Election to be held on November 7 1995, are
hereby required to pay the cost of their statements since the
statement is not required but may be submitted at the option of
the candidate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-332

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND ETHEL NOWAK, FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ethel Nowak, for the purpose of rehabilitating her property at 2606 Strivens Avenue, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

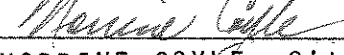
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-333

A RESOLUTION ENDORSING A HOUSING AND URBAN DEVELOPMENT GRANT APPLICATION FOR THE CALIFORNIA STATE UNIVERSITY, STANISLAUS, AND CERTIFYING THAT ACTIVITIES PROPOSED ARE CONSISTENT WITH THE CONSOLIDATED PLAN.

WHEREAS, the California State University, Stanislaus, ("University") is intending to apply for a Housing and Urban Development ("HUD") grant under the new Joint Community Development Program, and

WHEREAS, said application, if awarded, would be of immense value and benefit to the West Modesto/Paradise neighborhood, specifically, and to the City of Modesto ("City") as a whole, and

WHEREAS, the University has established a meaningful and beneficial presence in the area through their work with BRIDGE, a non-profit cultural type organization, and

WHEREAS, the University has agreed to enter into a partnership with the City to allow the City to administer a majority of the grant funds on Community Development Block Grant (CDBG) eligible activities in the west Modesto neighborhood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds that the activities identified in the Housing and Urban Development ("HUD") grant application by California State University, Stanislaus, are consistent with the Modesto Consolidated Plan, and the City Council hereby endorses said application for positive

consideration by HUD.

BE IT FURTHER RESOLVED that the Council hereby states its intention to enter into a written agreement with the California State University, Stanislaus, for the administration of grant activities located within 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 June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-334

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNIS AND APRIL STARKWEATHER FOR LEASE OF 1204 RIVER ROAD (MANCINI HOUSE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dennis and April Starkweather for the lease of 1204 River Road (Mancini house) 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-335

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CATHRYNE "K.C." GREEN, dba VALLEY TRAFFIC AND NEWS, FOR THE LEASE OF THE FORMER CONFERENCE ROOM IN THE FORMER AIRPORT ADMINISTRATION OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Cathryne "K.C." Green, dba Valley Traffic and News, for the lease of the former conference room in the former Airport Administration office 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 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-336

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT APPLICATION FOR FEDERAL FUNDS IN THE AMOUNT OF \$614,608 TO COMPLETE THE AIRPORT'S CAPITAL IMPROVEMENT PROJECTS FOR FISCAL YEAR 1995/96.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvements, and

WHEREAS, on January 24, 1995, the City Council approved an application for federal funds through the Federal Aviation Administration (FAA) in the amount of \$745,913, and

WHEREAS, following the submittal of the grant application, the FAA notified City staff that only \$614,608 was tentatively allocated for the Modesto City-County Airport projects, and

WHEREAS, based on that information, staff has adjusted the airport capital program and will defer one of the original recommended projects to FY 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport application for federal funds in the amount of \$614,608 to complete the airport's recommended FY 1995/96 improvement projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to

execute any and all pertinent documents on behalf of the City of Modesto in relation to this application for federal funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-337

A RESOLUTION APPOINTING DAN THAYER 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Dan Thayer is hereby appointed to the Planning Commission, term to expire 1/1/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member 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 27th day of June, 1995, by Councilmember Muratore , who moved its adoption, which motion being duly seconded by Councilmember Cogdill , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-338

A RESOLUTION REAPPOINTING ROBERT BORANIAN, KATHLEEN MORGAN, PETER DUTTON, JEANIE PALLESCHI AND CHICO ROBERTS 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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Robert Boranian, Kathleen Morgan, Peter Dutton, Jeanie Palleschi and Chico Roberts, are hereby reappointed to the Community Qualities Forum, terms to expire 1/1/98.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members 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 27th day of June, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-339

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE ROCKWELL REPLACEMENT/ADDITION 1995-96 PROJECT

WHEREAS, bids for the rockwell replacement addition 1995-96, were opened on June 13, 1995, and tabulated by the Director of Public Works and Transportation for the consieration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Teichert Construction in the amount of \$349,519.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 5th day of July, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lnag
- NOES: Councilmembers: None
- ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-340

A RESOLUTION ACCEPTING THE RIP RAP REPAIR PROJECT AT STORAGE PONDS ON JENNINGS ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rip rap repair project at storage ponds on Jennings Road has been completed by Moody Construction in accordance with the contract agreement dated April 25, 1995.

NOW, THEREFORE, BE IT RESOLVED that the rip rap repair project at storage ponds on Jennings Road, be accepted from said contractor, Moody Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$61,306.60 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 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-341

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 18, 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, (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. 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 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. 1 during the fiscal year 1995-96.

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 lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 18th day of July, 1995, at the hour of 7:00 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 City Hall, 801 Eleventh 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

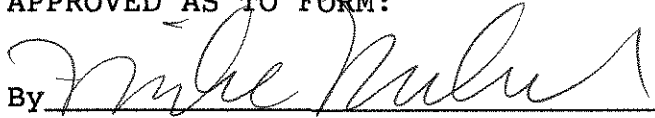
NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-342

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD
MEADOWS SUBDIVISION.

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, 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 1995-96.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and

Creekwood Meadows Subdivision 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. 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 July, 1995, at the hour of 7:00 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 City Hall, 801 Eleventh 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-343

A RESOLUTION SUMMARILY VACATING AND
ABANDONING THE CHESTNUT STREET RIGHT-OF-WAY
BETWEEN JEFFERSON AND 8TH STREETS (BETWEEN
BLOCK 435 AND 436), NORTH OF ELM STREET, AND
RESERVING A TEN-FOOT PUBLIC UTILITY EASEMENT
WITHIN THE SUBJECT RIGHT-OF-WAY.

WHEREAS, the City of Modesto's Fleet Manager has requested the vacation and abandonment of the Chestnut Street right-of-way between Jefferson and 8th Streets (between Block 435 and 436), North of Elm Street, and the reservation of a ten-foot public utility easement within the subject right-of-way, and

WHEREAS, the California Streets and Highways Code authorizes a City Council, by resolution, to summarily vacate excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is located on Chestnut Street between Jefferson and 8th Streets (between Block 435 and 436), and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8334, of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Chestnut Street between Jefferson and 8th Streets (between Block 435 and 436), in the City of Modesto, as more particularly

described in Exhibit "A" attached hereto, is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Chestnut Street between Jefferson and 8th Streets (between Block 435 and 436) in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves a ten-foot public utility easement within the subject right-of-way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

July 11, 1995

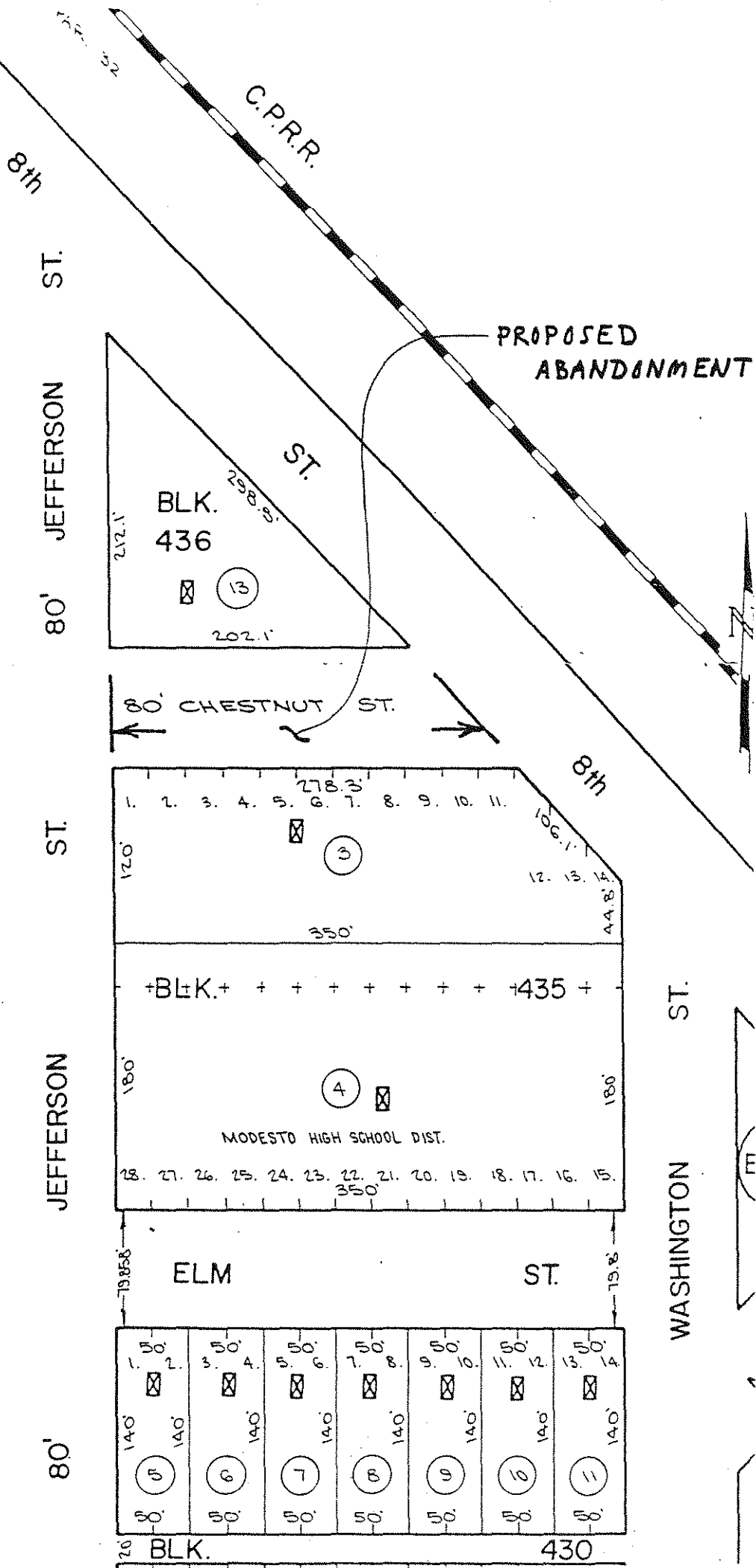
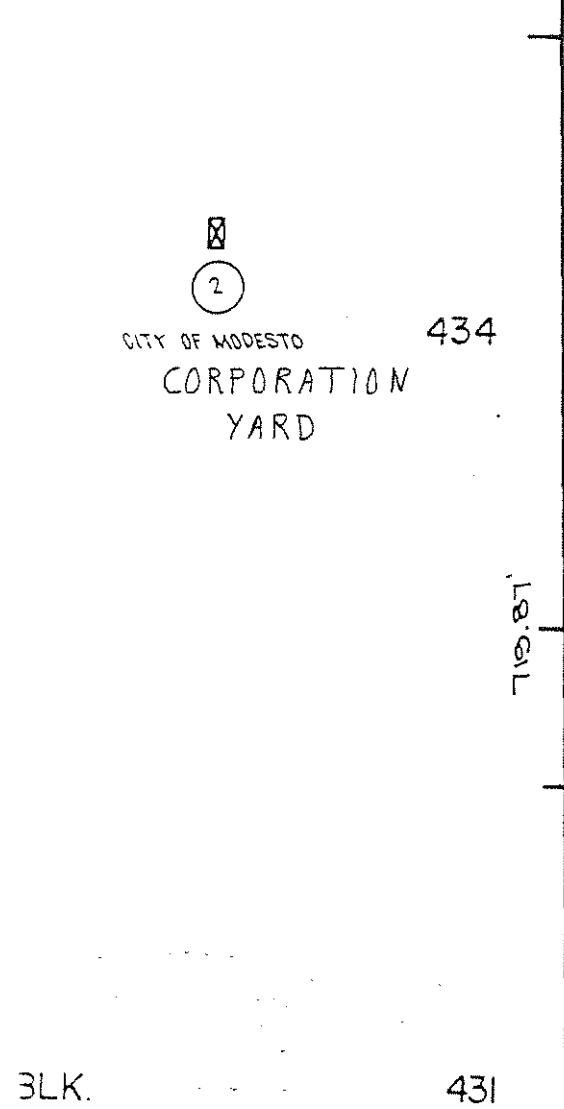
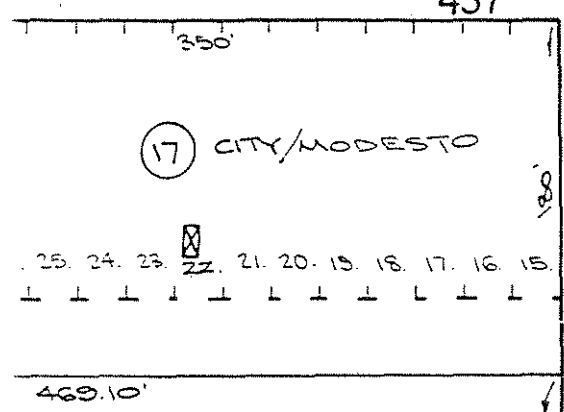
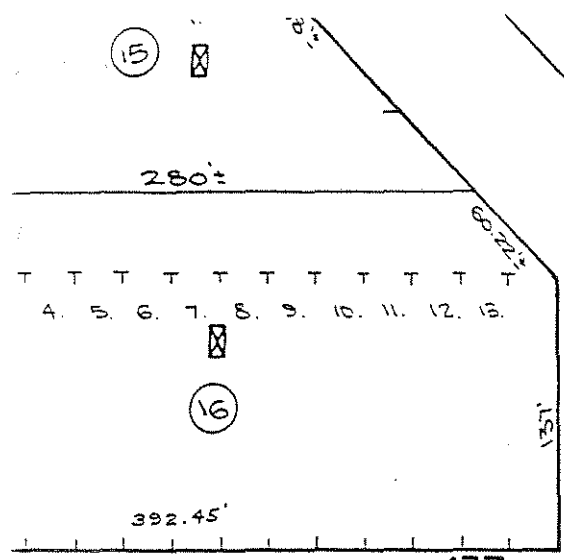
EXHIBIT "A"

VACATE AND ABANDON CHESTNUT STREET
BETWEEN 8TH STREET AND JEFFERSON STREET

All that real property in the State of California, County of Stanislaus, City of Modesto, Southwest Section 29, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwest corner of Block 435 as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, said point being the TRUE POINT OF BEGINNING of this description; thence North $0^{\circ} 49' 23''$ West 79.86 feet; thence South $88^{\circ} 55'$ East 202.1 feet; thence South $43^{\circ} 32'$ East 112.26 feet; thence North $88^{\circ} 54'$ West 278.3 feet to the true point of beginning.

Reserving from above, a 10 foot wide Public Utility Easement, adjoining and measured at right angles to 8th Street and Jefferson Street, for the right necessary to maintain, operate, replace, remove or renew the public utility facilities.



BLK. 431

BLK. 430

MODESTO CITY COUNCIL
RESOLUTION NO. 95-344

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$12,990 TO COVER ADDITIONAL COSTS OF THE BUS YARD MODIFICATION PROJECT ON CHESTNUT STREET

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Purchase 9 transit buses (651 160 E518 6070)	\$12,990
TO:	New entry for bus yard (651 160 E515 6040)	\$12,990

The original project to modify the bus yard has been expanded to include fencing of the Chestnut Street closure and replacement of curb. As originally planned, the project required more space than was available and would not comply with fire codes. Transfer of funds is required to cover additional costs of project, and are available for transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-345

A RESOLUTION APPOINTING FRED CRUZ TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AS THE PLANNING COMMISSION REPRESENTATIVE

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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Fred Cruz is hereby appointed to the Citizens housing and Community Development Committee as the Planning Commission representative.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Citizens Housing and Community Development 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 5th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan, Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-346

A RESOLUTION REJECTING BIDS FOR FURNISHING A DIGITAL TELEPHONE RECORDER/REPRODUCER OPENED IN THE OFFICE OF THE CITY CLERK JUNE 16, 1995, WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASING OFFICER TO NEGOTIATE AND ISSUE A PURCHASE ORDER

WHEREAS, Resolution No. 95-268, adopted by the Council of the City of Modesto on June 6, 1995, approved the plans and specifications for the purchase of a digital telephone recorder/reproducer, and authorized the call for bids; and

WHEREAS, the bids received for the purchase of a digital telephone recorder/reproducer, were opened at 11:00 a.m. on June 16, 1994; and

WHEREAS, of the two vendors who responded, one was over budget and the other did not submit a proper bid; and

WHEREAS, since these are the only 2 vendors who have the potential to meet the required specifications, staff suggests bids be waived in favor of negotiating a procurement to acquire the digital telephone recorder/reproducer within the budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the purchase of digital telephone recorder/reproducer, and opened in the office of the City Clerk on June 16, 1994, are hereby rejected.

BE IT FURTHER RESOLVED the Purchasing Officer is hereby authorized to negotiate and issue a purchase order to the vendor who meets the required specifications for one digital telephone recorder/reproducer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of

July, 1995, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-347

A RESOLUTION DECLARING 700 FEET OF 1-1/2 INCH
FIRE HOSE SURPLUS PROPERTY AND AUTHORIZING
THE DONATION OF SAID FIRE HOSE TO THE CAMP
MENSINGER BOY SCOUTS CAMP.

WHEREAS, the Fire Department of the City of Modesto has
700 feet of 1-1/2 inch fire hose which has become surplus
property to the City's needs, and

WHEREAS, it has been recommended by Fire Department
personnel that said fire hose should be donated to the Camp
Mensinger Boy Scouts Camp, and

WHEREAS, the hose numbers of the hose recommended to be
given to the Camp Mensinger Boy Scouts Camp are as follows: 451,
473, 480, 423, 38, 461, 26, 35, 37, 454, 469, 488, 487, and 20.
Each number length of hose is 50 feet long, and

WHEREAS, the Council of the City of Modesto desires to
donate said surplus fire hose, as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby declares that 700 feet of 1-1/2
inch fire hose has become surplus property to the City's needs,
and the Council hereby authorizes the donation of 700 feet of 1-
1/2 inch fire hose to the Camp Mensinger Boy Scouts Camp.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-348

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:

Systems Technician

The revised specifications for the classification of Systems Technician (Range 120), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

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

Systems Analyst

The revised specifications for the classification of Systems Analyst (Range 423), 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. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Printing Services Operator I

Printing Services Operator II

Senior Printing Services Operator

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after July 11, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SYSTEMS TECHNICIAN

DEFINITION

Under supervision, assists users in locating and resolving computer network problems related to communications, hardware and software; participates in providing training to internal customers regarding personal computer hardware/software; performs research and development tasks in network areas, and assists in testing and maintenance of mini- and micro-computer hardware and software.

SUPERVISION RECEIVED

Receives general supervision from management staff.

EXAMPLES OF DUTIES Duties may include, but are not limited to, the following:

Tests, installs, configures and sets up new micro-computer hardware and software.

Assists in researching and evaluating new advances in personal computer hardware and software.

Troubleshoots personal computer hardware and software problems.

Performs minor maintenance to personal computer hardware.

Assists with the design, installation, troubleshooting, maintenance and administration of Local Area Networks (LAN).

Installs computer cables, personal computer devices, and hardware upgrades as assigned.

Assists in providing citywide training for personal computer hardware, software and user-oriented languages.

Assists in maintaining inventory of existing and newly acquired computer hardware and software.

Maintains cable route maps, software license and version tracking and end-user support.

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Personal computer hardware architecture.

Principles of multiple complex personal computer operating systems and network systems which should include familiarity with MS-DOS, Unix, Windows and Novell systems among others.

Principles and techniques of computer systems analysis and programming.

Principles of customer oriented languages.

Local Area Network concepts and terminology.

Principles of Information Systems security.

Ability to:

Present training programs.

Develop and maintain effective working relationships with those contacted in the course of work.

Communicate effectively both verbally and in writing.

Follow oral and written instructions.

Research and evaluate micro-computer hardware and software.

Gather, analyze and organize information.

Troubleshoot, configure, perform simple repairs, and install micro-computer hardware and software.

Experience and Training Guidelines:

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

Experience:

Two years experience in supporting personal computer users in a networked environment.

July, 1995

Experience and Training Guidelines, (Continued)

Education:

Equivalent to completion of an Associate of Arts Degree in computer science, information technology, mathematics or a closely related field.

License:

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

Other Requirement: Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department Systems.

SYSTEMS ANALYST

DEFINITION

To perform technical work in the administration installation, testing and maintenance of mini - and micro-computer hardware and software; to provide training and technical assistance for users; to diagnose and repair hardware problems, to assist in the selection of new systems and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Systems Manager. May supervise technical support staff.

EXAMPLES OF DUTIES

Researches and evaluates advances in personal computer hardware and software.

Participates in planning, policy development and budgeting for short- and long-range office systems needs.

Assists in review of all capital budget requests for personal computer equipment; insures connectivity of systems; coordinates between user departments, purchasing unit and vendors in hardware and software acquisition and staff training.

Develops, selects and monitors City-wide training programs for personal computer hardware, software and user-oriented languages.

Serves as technical resource for developing office systems and solving wide area networking problems; assists in programming and systems analysis.

Installs personal computer hardware and peripherals at workstations; cables and installs emulation boards; hooks up modems; installs boards and cards as necessary.

Installs system, emulation and application software packages.

Responds to requests for assistance with hardware and software problems; diagnoses problems; repairs or arranges for the repair or replacement of faulty hardware, disks, drives, peripherals and software packages.

EXAMPLES OF DUTIES (continued)

Trains users on the use of computer equipment and peripherals, and software packages including word processing, data base management, graphics, and spreadsheet programs; assists users in developing applications.

Maintains inventory records of existing and newly acquired computer hardware and software.

Assists with installation and maintenance of centralized computer systems, telecommunications and data communications equipment.

Maintains records; prepares oral and written reports.

Serves as system administrator for the City's work processing mini-computer system and may serve as administrator for future local area network configurations.

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Principles and techniques of training.

Principles and techniques of budgeting.

Personal computer hardware and software.

Principles of office automation systems.

Principles of customer oriented languages.

Personal computer hardware architecture.

Principles of multiple complex personal computer operating systems and network systems.

Principles and techniques of computer systems analysis and programming.

Ability to:

Develop and maintain effective working relationships.

Communicate effectively both verbally and in writing.

July, 1995

Ability to: (Continued)

Work independently with minimal supervision.

Research and evaluate office automation hardware and software.

Gather, analyze and organize information.

Develop and evaluate training programs.

Coordinate information and programs, write clear instructions, and train others.

Experience and Training Guidelines:

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

Experience:

Three years of experience in the analysis and design of office automation systems, including word processing and personal computing.

Education:

Equivalent to graduation from an accredited four-year college with a major in computer science, mathematics, accounting, public or business administration.

License:

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

Other Requirement: Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department systems.

1/1/95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-349

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE
TABLE TO ESTABLISH A SALARY RANGE FOR SYSTEMS
TECHNICIAN.

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 July 11, 1995", which is attached
hereto and made a part hereof as though set forth in full herein.
Said amended Exhibit "A" adopts class specifications for Systems
Technician (Range 120).

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after July 11, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective July 11, 1995

RANGE	TITLE
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Animal Control Officer I Custodian
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator

Class Range Table
General Non-Sworn Classes

- 116 Code Enforcement Officer II
Equipment Operator
Fire Prevention Technician I
Meter Reader/Repair Worker
Motor Sweeper Operator
Traffic Technician
Traffic Painter
Traffic Sign Worker
Water Line Worker
Wastewater Collection System Operator
- 117 Electrical Technician II
Storm Water Inspector
- 118 Tree Trimmer
Senior Storeskeeper
Street Trees Crewleader
Parking Lot Maintenance Crewleader
Parks Crewleader
- 119 Maintenance Mechanic - Parks
Planning Technician II
Maintenance Mechanic - Pumps
Wastewater Treatment Plant Operator
Civil Engineering Technician I
Building Maintenance Mechanic
Police Administrative Assistant
Public Information Technician
- 120 Welder/Fabricator
Senior Equipment Operator
Fire Prevention Technician II
Equipment Mechanic
Assistant Electrician
Traffic Painter Crewleader
Accountant I
Assistant Lab Technician
Systems Technician
- 121

Class Range Table
General Non-Sworn Classes
Page 3

122 Coach Mechanic
Fire Equipment Mechanic
Tree Trimmer Crewleader
Programmer Analyst I
Industrial Waste Inspector I
Cross Connection Specialist

123 Sr. Wastewater Treatment Plant Operator
Maint. Mech. Crewleader - Pumps
Civil Engineering Technician II
Maint. Mech. Crewleader - Parks

124 Plant Mechanic
Laboratory Technician
Equipment Mechanic Crewleader
Planning Assistant
Equipment Crewleader
Community Development Program Specialist I
Wastewater Collection System Crewleader

125 Crime Analyst

126 Coach Mechanic Crewleader
Building Inspector I
Electrician
Housing Rehab. Specialist I
Housing Financial Specialist
Industrial Waste Inspector II
Senior Fire Equipment Mechanic

127 Civil Engineering Assistant
Landscape Technician

128 Instrument Repair Technician
Programmer Analyst II
Public Improvement Specialist
Community Development Program Specialist II

129

130 Building Inspector II
Construction Inspector
Housing Rehabilitation Spec. II
Hazardous Materials Inspector
Senior Crime Analyst

131 Sr. Civil Engineering Asst.

132

Class Range Table
General Non-Sworn Classes
Page 4

133

134 Senior Building Inspector
 Senior Construction Inspector
 Fire Plan Checker
 Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 95-350

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR THE CONSTRUCTION AND MAINTENANCE OF THE TRAFFIC SIGNAL AT YOSEMITE BOULEVARD (STATE ROUTE 132) CREEKWOOD DRIVE.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for the construction and maintenance of the traffic signal at Yosemite Boulevard (State Route 132) Creekwood Drive 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 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-351

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT TO S.A.A.G. THE STANISLAUS COUNTY CONGESTION MANAGEMENT PROGRAM (CMP) ANNUAL SELF-CERTIFICATION CHECKLIST.

WHEREAS, the Stanislaus County Congestion Management Program (CMP) became effective on July 1, 1992, and

WHEREAS, one requirement of the CMP is an annual Self-Certification Checklist, which must be submitted to S.A.A.G. by July 15, 1995, and each July 15 thereafter, and

WHEREAS, the Transportation Policy Committee has reviewed and approved the Self-Certification Checklist filled out by City staff which covers the period between May 1, 1994, through April 30, 1995, and

WHEREAS, completion of the checklist and submittal to S.A.A.G. will satisfy the City's requirement to demonstrate its compliance with the CMP requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Self-Certification Checklist form is hereby approved and the City Manager or his authorized designee is hereby authorized to execute the Self-Certification form for submittal to S.A.A.G. to comply with CMP requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-352

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MODESTO IRRIGATION DISTRICT TO LEASE POLE SPACE AS PART OF THE ADVANCED TRAFFIC
MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Modesto Irrigation to lease pole space
as part of the Advanced Traffic Management system (ATMS) project 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 11th day of July, 1995, by Councilmember
McClanahan, who moved its adoption, which motion being duly seconded by
Councilmember Muratore, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-353

A RESOLUTION PROPOSING A CHARTER AMENDMENT TO BE PLACED ON THE BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 1995, IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY A PROPOSAL, BY MOTION OF THE COUNCIL, TO AMEND SECTION 502 OF THE CHARTER RELATING TO COUNCIL VACANCIES.

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 and 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 the regular municipal election to be held on November 7, 1995, the proposal to amend the Charter of the City of Modesto as set forth below, and hereby designates and refers to said proposal to be set forth in the form of a ballot measure as hereinafter prescribed for use at said regular municipal election:

PROPOSED AMENDMENT
TO THE
CHARTER OF THE CITY OF MODESTO
Regular Municipal Election
November 7, 1995.

MEASURE ____.

The Council of the City of Modesto hereby proposes, on its own motion, to amend Section 502 of the Charter of the City of Modesto as follows:

SECTION 502. COUNCIL VACANCIES.

Except as set forth in the next sentence, the provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy.

In addition, a vacancy on the Council shall also exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings. At any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen.

Note: All of the above wording which is shaded would be added by this measure.

SECTION 2. FORM OF BALLOT. 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 relating to the proposal to amend Section 502 of the Charter of the City of Modesto to address the problem posed by chronically ill councilmembers:

CITY OF MODESTO MEASURE		
<u>MEASURE</u>		YES
City of Modesto Charter Proposal:	Shall the Modesto City Charter be amended to provide that a vacancy on the Council shall exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings; and at any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen.	NO

SECTION 3. NOTICE. Pursuant to Section 12114 of the California Elections Code, the City Clerk of the City of Modesto is hereby authorized to prepare and sign a notice of measure to be voted on, in the form required by law, relating to said measure, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in The Modesto Bee, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

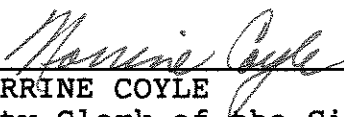
CLERK'S CERTIFICATION

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 11th day of July 1995, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was, upon motion of Councilmember McClanahan, seconded by Councilmember Muratore and adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto,
this 11th day of July, 1995.



NORRINE COYLE
City Clerk of the City of Modesto,
California

Clerk (4)

MODESTO CITY COUNCIL
RESOLUTION NO. 95-355

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING 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 18, 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 and Lighting 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. 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 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1995-96, and

WHEREAS, the Council has adopted Resolution No. 95-341 on July 5, 1995, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1995-96 and to set a public hearing to be held on July 18, 1995, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 1 and hereby levies the assessment set forth therein for fiscal year 1995-96.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-356

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, 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, 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 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 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1995-96, and

WHEREAS, the Council has adopted Resolution No. 95-342 on July 5, 1995, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1995-96 and to set a public hearing to be held on July 18, 1995, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 2 and hereby levies the assessment set forth therein for fiscal year 1995-96.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-357

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING AND INSTALLING OF ONE VEHICLE LIFT.

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

SECTION 1. The specification 9596-2 for the furnishing and installing of one vehicle lift, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 14, 1994, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-358

A RESOLUTION ACCEPTING THE BID OF GRAHAM CONTRACTORS, INC. FOR 1995 CAPE AND SLURRY SEALS.

WHEREAS, the bids received for 1995 CAPE AND SLURRY SEALS were opened at 11:00 A.M. on July 6, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Director of Public Works has recommended that the bid of Graham Contractors, Inc. in the amount of \$453,822.00, 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 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-359

A RESOLUTION ACCEPTING THE BID OF FALCO CONSTRUCTION FOR CROWS LANDING DRAIN BASIN OUTFALL.

WHEREAS, the bids received for Crows Landing Drain Basin Outfall were opened at 2:00 p.m. on June 20, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Falco Construction in the amount of \$51,986.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Falco 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 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-360

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$22,000 TO FULLY FUND THE CROWS LANDING DRAIN BASIN OUTFALL REBUILD.

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Claus Road Waterline from Briggsmore to Sylvan (612 480 C181)	\$22,000
TO:	Water Well No. 49 Slope Protection at the Crowslanding Drainage Basin (612 480 F797)	\$22,000

Flushing sand from Water Well No. 49 has eroded the bank of the Crowslanding Drainage Basin. A diversion structure and slope protection rock will be installed around the outlet pipe of the water well. Transfer of funds are required and are available.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-361

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$6,000 TO FULLY FUND THE CROWS LANDING DRAIN BASIN OUTFALL REBUILD.

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Crows Landing Drain Basin Outfall Rebuild (628 480 F796)	\$6,000
TO:	Crows Landing Drainage Outfall (628 480 R574)	\$6,000

The 1994/1995 Winter rains caused major outfall erosion. This project required additional funding to install more slope protection rock. Transfer of funds is required to cover additional costs of project, and are available for transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-362

A RESOLUTION APPROVING AN INCREASE IN THE SCOPE OF WORK FOR PROJECT NO. 21 - REPLACE CURB, DRIVE APRONS AND SIDEWALKS

WHEREAS, bids for Project No. 21 - replace curb, drive aprons and sidewalks were opened on May 23, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, at the recommendation of the Director of Public Works and Transportation, the Council of the City of Modesto accepted the bid of Teichert Construction Company in the amount of \$204,257.99, by Res. No. 95-269, adopted on June 6, 1995; and

WHEREAS, due to the favorable bid prices from the contractor, funds are available within the budgeted amount to do more work and reduce the backlog of citizen work requests on curb, gutters and sidewalk;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an increase in the Scope of Work for Project No. 21 - replace curb, drive aprons and sidewalks and the issuance of a change order in the amount of \$70,772 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-363

A RESOLUTION ACCEPTING THE RUMBLE ROAD LIFT STATION REHABILITATION PROJECT - PHASE 2 AS COMPLETE.

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Rumble Road Lift Station Rehabilitation Project Phase 2 has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated November 1st, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Rumble Road Lift Station Rehabilitation Project Phase 2, be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$26,949.90 as provided in the contract and amended by change orders, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-364

A RESOLUTION TRANSMITTING COPY OF PROPOSED CITY CHARTER AMENDMENT MEASURE
TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 9280 of the State Elections Code provides that whenever any Charter amendment or measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the amendment or measure to the City Attorney for preparation of an impartial analysis;

WHEREAS, a copy of the proposed City Charter amendment measure, proposed for the November 7, 1995, election, marked Exhibit "A" is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of said measure to the City Attorney for preparation of an impartial analysis explaining the effect of the measure.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MEASURE G

CITY OF MODESTO CHARTER PROPOSAL

Shall the Modesto City Charter be amended to provide that a vacancy on the Council shall exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings; and at any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen?

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 95-365

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR A GRANT TO CONSTRUCT AN AMTRAK STATION ON THE SANTA FE TRACKS, APPROVING THE CITY'S PARTICIPATION, AND MAKING THE REQUIRED ASSURANCES TO CTC RELATED TO THE PROJECT.

WHEREAS, at its meeting of July 18, 1995, the Council considered an application to the California Transportation Commission (hereafter referred to as "CTC") for a grant to construct an Amtrak station on the Santa Fe railroad tracks in Modesto, subject to completion of the CEQA process, and

WHEREAS, the Council considered the City's participation in the project with a commitment of \$607,528 worth of capital improvements related to the project, subject to completion of the CEQA process, and

WHEREAS, the Council considered certain assurances to the CTC related to the project, which are required to be submitted to the CTC as part of its Proposition 116 application process,

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

SECTION 1. That the Council has considered the application to the California Transportation Commission (hereafter referred to as "CTC") for a grant to construct an Amtrak station on the Santa Fe railroad tracks in Modesto, subject to completion of the CEQA process, and the Council hereby

approves the submittal of said application.

SECTION 2. That the Council has considered the City's participation in the project with a commitment of \$607,528 worth of capital improvements related to the project, subject to completion of the CEQA process, and the Council hereby approves the City's participation in the project.

SECTION 3. That the Council has considered certain assurances to the CTC related to the project, which are required to be submitted to the CTC as part of its Proposition 116 application process, and the Council hereby makes the following assurances:

1. Provide all environmental documentation required by the CTC for project approval.
2. Public fixed-route transit would be available to the site.
3. Security concerns would be addressed with a neighborhood police facility.
4. The City agrees to maintain the station at City expense (estimated at \$17,000 per year), and not charge Amtrak rent except for utilities.
5. The City participation of \$607,528 will be used to acquire up to five acres for the site, construct infrastructure hookups, hazardous material evaluation, all necessary environmental clearances, traffic signal and road improvements to access the site, expedited zoning and permits processing and increased parking up to 150 stalls.
6. The City of Modesto has the financial and institutional ability to implement the project and is empowered to: let a contract; to sue or be sued by another entity or person; and to carry out its other responsibilities and duties.

7. This project will be available to the general public, or its primary purpose will be to benefit the public and does not benefit a private entity or individual.
8. The matching funds required for said project are available and committed to this project.
9. If the project exceeds the State and local funds currently available, the City will provide the additional local funds needed to complete the project, or the project will be reduced in scope.
10. This project fulfills the requirements of the High Density Housing Demonstration Program, providing the applicant wishes to have its rail transit station project considered under this program.
11. The City of Modesto will comply with the Commission's Hazardous Waste Identifications and Clean-up Policy for Rail Right-of-Way;
 - a. This project will be fully investigated by the City to determine the absence/presence of hazardous wastes.
 - b. The City will take reasonable steps to assure full due diligence, clean-up of the site, as appropriate, as well as not seeking state funds for clean-up, damage or liability costs associated with hazardous wastes.
12. The City will comply with the Commission's Timely Use of Funds Policies.
13. No other capital funds previously programmed, planned or approved for rail purposes will be used for other than rail purpose.
14. The proposed project has no unnecessary enhancements and is not an unnecessarily elaborate alternative.
15. Unless otherwise specified in Proposition 116, the City states that new or increased development fees, taxes or exactions, or permit fees will not be included in the operating budget of this project or for the purpose of matching funds for Proposition 116 grants.

16. If the Transit Integration Plan has not been completed, the City states that a plan will be completed and submitted to the Commission for review before the line begins operations.
17. An Amtrak passenger safety program will be put in place.
18. The agency shall comply with the Proposition 116 accessibility requirements for the disabled and for providing access to bicyclists.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to execute any and all pertinent documents in relation to this application 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 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

(SEAL) ATTEST: *Norrine Coyle*
 NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-366

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:

Systems Manager

The job specification for the classification of Systems Manager (Range 434), 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. EFFECTIVE DATE. This resolution shall become effective on and after July 18, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SYSTEMS MANAGER

DEFINITION

To manage and plan for system analysis and application development of mini- and micro-computer hardware and software. Coordinates the allocation of personnel and material resources to provide information technology support to all City departments consistent with the City's expectations of high quality and efficiency. This is a highly technical position requiring a thorough knowledge of Information Technology, Wide and Local Area Networking.

DISTINGUISHING CHARACTERISTICS

This is a single position class with managerial authority and program budget responsibility for multi-protocol Local Area Networks (LAN) and Wide Area Networks (WAN) to include the planning and design of systems towards a client server environment and networking.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Deputy City Manager. May exercise supervision of clerical, technical and management staff.

EXAMPLES OF DUTIES Duties may include, but are not limited to, the following:

Works with the department's customers, department management and other information technology staff to define automated solutions to short- and long-range computing services and integrated Network needs.

Sets priorities and allocates assigned resources for the development and implementation of computing services projects.

Manages and supports application software products installed throughout the City including connectivity with multiple remote sites.

Plans for and implements Wide Area Networks as well as Local Area Networks.

Develops staff skills to support a client server environment as well as Networking.

Evaluates and recommends hardware/software and Network solutions.

Sets standards and ensures compliance regarding documentation, access and security application support, scheduling, applications

EXAMPLES OF DUTIES, (Continued)

development, Network support, back-up and archiving.

Ensures integration, monitoring and routine backing-up of network.

Coordinates hardware installation, configuration and maintenance.

Develops and monitors budget for assigned program.

Prepares professional reports, correspondence and memoranda as required.

Provides excellent customer service.

Keeps abreast of "state-of-the-art" in information technology.

Performs related duties as required.

QUALIFICATIONS

Knowledge of:

Network architecture, protocols, and interconnectivity requirements for internal/external transmission.

Network system management and understanding of heterogeneous networks.

Principles of operating systems associated with City's computer environment, local area networks and City's installed base of personal computers, which includes peripheral devices associated with City's central (host) computer and with installed base of personal computers. This should include familiarity with MS-DOS, Unix, Windows, and Novelles systems among others.

Theory and techniques of structured system analysis and design, integration, testing, implementation, documentation and monitoring and evaluation of system performance.

Principles and practices of budget preparation and control.

Knowledge of (Continued)

Principles and practices of supervision including selection, training, evaluation and discipline.

Principles of Informations Systems security.

Ability to:

Supervise, coordinate and direct systems analysis and design.

Analyze systems data and situations, identify problems, reason logically and develop conclusions and effective solutions.

Establish, monitor and control project and division priorities.

Provide leadership, supervision, and technical assistance to staff.

Prepare a wide variety of professional reports, documentation and correspondence.

Experience and Training Guidelines:

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

Experience:

Five years of increasingly responsible experience in the design, development and implementation of complex personal computer applications including two years as a project manager, lead analyst or programmer.

Education:

Equivalent to graduation from an accredited college or university with a Bachelor's Degree in computer science, information technology, electronic engineering or other related field.

License:

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

QUALIFICATIONS, (Continued)

Other Requirement: Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department systems.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-367

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-310 ENTITLED "A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 94-410", TO AMEND THE CLASS RANGE TABLE TO ADD SYSTEMS MANAGER.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective June 27, 1995, attached to Resolution No. 95-310, is hereby amended as shown on the amended Exhibit "A" entitled, "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective July 18, 1995", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Systems Manager at Range 434.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 18, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective July 18, 1995

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor
421	Exhibit "A"

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422 Office Supervisor

423 Systems Analyst

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager
Museum Supervisor

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Historical Buildings Supervisor
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

Class Range Table

Management and Confidential Non-Sworn Class

Page 3

433 Assistant Civil Engineer
 Laboratory Supervisor
 Assistant Traffic Engineer

434 Senior Programmer Analyst
 Electrical Supervisor
 Engineering Systems Manager
 Sr. Housing Rehab. Specialist
 Public Works Supervisor II
 Secondary Treatment Site Supv.
 Operations Supervisor
 Arborist
 Land Surveyor
 Equipment Maintenance Supervisor II
 Systems Manager

435 Management Analyst
 Deputy City Attorney I
 Senior Personnel Analyst
 Budget Officer
 Financial/Investment Officer
 Administrative Services Officer
 Integrated Waste Specialist

436 Senior Planner

437

438 Asst. Water Quality Control Supt.
 Transportation Planner
 Housing Program Supervisor
 Business Development Officer
 Parks Planning and Development Manager
 Communications and Marketing Manager

439 Deputy City Attorney II
 Associate Civil Engineer
 Associate Traffic Engineer

440 Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Maintenance Supt.
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal

442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager

446 Senior Civil Engineer
Traffic Engineer

447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager

448 Sr. Deputy City Attorney II

449

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

450	Deputy Director Public Works - Engineering
	Deputy Director Public Works - Operations
	Deputy Director Public Works - Transportation
451	
452	Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-368

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SILAS GREEN AND CLYDE HARTER.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Silas Green for the purpose of rehabilitating property at 443 Pine Street; and the agreement between the City of Modesto and Clyde Harter for the purpose of rehabilitating property at 1021 Empire Avenue are 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 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-369

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DENNIS V. JACKMAN FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE JULY 18, 1995

WHEREAS, Dennis V. Jackman was appointed a member of the Citizens Advisory Committee on Recycling on February 22, 1994; and

WHEREAS, Dennis V. Jackman has tendered his resignation from the Citizens' Advisory Committee on Recycling, effective July 18, 1995; and

WHEREAS, Dennis V. Jackman 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 Dennis V. Jackman from the Citizens' Advisory Committee on Recycling 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 Dennis V. Jackman for 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 18th day of July, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norryne Coyle*
NORRYNE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-370

A RESOLUTION DENYING THE APPEAL OF GARY AND LORI MARTINEZ TO A BOARD OF ZONING ADJUSTMENT DECISION DENYING AN APPLICATION FOR A VARIANCE TO ALLOW A SIX-FOOT HIGH FENCE WITHIN ONE FOOT OF THE SIDE STREET SIDE YARD PROPERTY LINE ALONG URSINI LANE, INCLUDING A TEN-FOOT- CORNER CUT-OFF OF THE FENCE ADJACENT TO PROPERTY AT 1901 SYLVAN AVENUE.

WHEREAS, an application for a variance from the provisions of Section 10-2.510(c) of the Modesto Municipal Code to permit a six-foot-high fence within one foot of the side street side yard property line along Ursini Lane, property located at 1901 Sylvan Avenue, was filed by Gary and Lori Martinez on January 22, 1995, and

WHEREAS, Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on April 27, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 95-05 on April 27, 1995, which denied the requested application filed by Gary and Lori Martinez for a variance, and

WHEREAS, an appeal to the decision os the Board of Zoning

Adjustment's denial of the request for a variance was filed by Gary and Lori Martinez by letter dated May 1, 1995, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on May 23, 1995 at 4:00 p.m., and

WHEREAS, based on submittal of a new plot plan proposed by Gary and Lori Martinez, the Council, at its meeting of May 23, 1995, referred the matter back to the Board of Zoning Adjustment for review of the new plot plan proposal as presented by the applicants, said revised plan proposed a ten-foot-45-degree-corner cut-off of the proposed fence along Ursini Lane, immediately adjacent to the property at 1912 Ursini Lane, and

WHEREAS, a public hearing relating to said matter was held by the Board of Zoning Adjustment on June 22, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after holding said public hearing, the Board of Zoning Adjustment adopted Resolution No. 95-09 on June 22, 1995, which denied the request of Gary and Lori Martinez for a variance, as revised, and

WHEREAS, a second appeal to the decision of the Board of Zoning Adjustment's denial of the request for the variance, as revised, was filed by Gary and Lori Martinez by letter dated June

30, 1995, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on July 25, 1995 at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the Board of Zoning Adjustment which denied an the request for a variance, as revised, to allow a ten-foot-45-degree-corner cut-off of the proposed fence along Ursini Lane immediately adjacent to the property at 1912 Ursini Lane, should be denied and the decision of the Board of Zoning Adjustment should be affirmed for the reason that Sections 10-1.202(a) and 10-2.1501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502, and the Board of Zoning Adjustment found and determined that the required findings could not be met for the following reason:

The eight-foot setback of the existing six-foot-high fence along Ursini Lane, approved by Board of Zoning Adjustment Resolution No. 1339, provides an adequate landscape setback from Ursini Lane while allowing the property owners full use of their private yard area, and that a revised corner cut-off design of the proposed fence adjacent to 1912 Ursini Lane does not address neighborhood concerns.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Gary and Lori Martinez to the

decision of the Board of Zoning Adjustment which denied an application for a variance to allow a ten-foot-45-degree-corner cut-off of the proposed fence along Ursini Lane, immediately adjacent to the property at 1912 Ursini Lane, is hereby denied and the decision of the Board of Zoning Adjustment is affirmed for the reasons as set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Patterson

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-371

A RESOLUTION DESIGNATING THE GRAHAM RESIDENCE
AT 206 ROSELAWN AVENUE AS A MODESTO LANDMARK
PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX 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 May 15, 1995, and
continued to June 19, 1995, in the City Council Chambers, City
Hall, 801 11th Street, Modesto, California, in which the Landmark
Preservation Commission found and recommended in their Resolution
No. 95-1, that the Graham Residence at 206 Roselawn Avenue 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, and adaptive use are economically
feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact and
capable of restoration.
4. The existing and proposed uses are compatible with
the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the

Graham Residence at 206 Roselawn Avenue 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 at 206 Roselawn Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Graham Residence at 206 Roselawn Avenue has architectural, historic, and cultural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The architectural significance is that this residence, a brick bungalow, its brick garage and brick pumphouse, built in 1921, are authentic examples of the residential architecture of the 1920's and are in the process of being restored.
2. The historic and cultural significance are:
 - a. The Graham Family, a pioneer family, built the house and out-buildings, from 32,000 bricks handmade by 17-year old Kenny Graham.
 - b. Mattie Graham Streeter, and her family have also been significant contributors to the betterment of Modesto, in public as well as private employment.

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 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

102-09-17 includes Lots 35 and 36, Block 332, City of Modesto.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-372

A RESOLUTION DESIGNATING THE MASONIC TEMPLE
AT 1500 J STREET AS A MODESTO LANDMARK
PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX 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 June 19, 1995, in
the City Council Chambers, City Hall, 801 11th Street, Modesto,
California, in which the Landmark Preservation Commission found
and recommended in their Resolution No. 95-4, that the Masonic
Temple at 1500 J 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, and adaptive use are economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.
4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the
Masonic Temple at 1500 J 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 at 1500 J Street is more
particularly described in Exhibit "A" attached hereto and
incorporated herein by reference.

BE IT FURTHER RESOLVED that the Masonic Temple at 1500
J Street has architectural, historic, and cultural significance
and is hereby designated a Landmark Preservation Site for the
following reasons:

1. The architectural significance is that this fine
Neoclassical Building is one of the few remaining
examples of this style in Modesto.
2. The historic and cultural significance is that the
building was erected in 1917 and the exterior has
remained intact with few alterations.
3. The cultural significance is that the building
served the Masonic Lodge from 1917 to 1973.

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 25th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

105-07-11 includes Lots 31 and 32 of Block 122, City of Modesto.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-373

A RESOLUTION DESIGNATING THE STOCKTON SAVINGS
BANK AT 1101 J STREET AS A MODESTO LANDMARK
PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX 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 June 19, 1995, in
the City Council Chambers, City Hall, 801 11th Street, Modesto,
California, in which the Landmark Preservation Commission found
and recommended in their Resolution No. 95-3, that the Stockton
Savings Bank at 1101 J 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, and adaptive use are economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact and capable of restoration.
4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995,
in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, the Council found and determined that the
Stockton Savings Bank at 1101 J 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 at 1101 J Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Stockton Savings Bank at 1101 J Street has architectural significance because it represents a diminishing inventory of prominent Modesto commercial buildings in the Art Deco style of architecture of the 1930's, and is hereby designated a Landmark Preservation Site.

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 25th day of July, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

LEGAL DESCRIPTION FOR STOCKTON SAVINGS BANK

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, also being a portion of Lots 17, 18, 19, 20 and 21 in Block 85 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records, described as follows:

Beginning at the Southwestern corner of said Block 85, said point being the intersection of the Northwestern line of 80,00 foot "J" Street with the Northeastern line of 80.00 foot Eleventh Street, said point also being the Southwestern corner of said Lot 17; thence Northwesterly along said Northeastern line of Eleventh Street and the Southwestern line of said Lots 17, 18, 19, 20 and 21, a distance of 112 feet, to a point 13 feet Southeasterly from the Northwestern corner of Lot 21; thence Northeasterly along a line parallel with and 13 feet, measured at right angles, Southeasterly from the Northwestern line of Lot 21, a distance of 98 feet, to a point on a line which is parallel with and 42 feet, measured at right angles, Southwesterly from the Southwestern line of the 20-foot alley in said Block 85; thence Southeasterly along said last mentioned parallel line, a distance of 112 feet, to a point on said Northwestern line of "J" Street; thence Southwesterly along the Northwestern line of "J" Street, a distance of 98 feet, to the point of beginning.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-374

A RESOLUTION DESIGNATING A PORTION OF THE
FRONTAGE FACADE OF MODESTO HIGH SCHOOL
LOCATED AT 18 H STREET AS A MODESTO LANDMARK
PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX 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 June 19, 1995, in
the City Council Chambers, City Hall, 801 11th Street, Modesto,
California, in which the Landmark Preservation Commission found
and recommended in their Resolution No. 95-2, that a Portion of
the H Street Frontage Facade of Modesto High School located at 18
H 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, and adaptive use are economically
feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact and
capable of restoration.
4. The existing and proposed uses are compatible with
the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 25, 1995,
in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, the Council found and determined that a Portion of the H Street Frontage Facade of Modesto High School located at 18 H 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 a Portion of the H Street Frontage Facade of Modesto High School located at 18 H Street is more particularly described in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that a Portion of the H Street Frontage Facade of Modesto High School located at 18 H Street has historic, and cultural significance and is hereby designated, subject to the terms noted in Exhibit "C" attached hereto and incorporated herein by reference, as a Landmark Preservation Site for the following reasons:

1. Historic significance - Modesto High School was established in 1883, 112 years ago. The H Street frontage and site has been the "home" of Modesto High School since 1918, 77 years ago.
2. Cultural significance - This public educational facility of 112 years has 29 graduates noted in the MHS Centennial Book as members of the MHS Hall of Fame with several added since.
3. Fifty years is the minimum age for this determination. As noted in the historic inventory, the 1918 building is no longer in existence. But the rebuilding have occurred during 1947-1951 makes the H Street Facade eligible architecturally in 1997-2001. Historic and cultural significance are sufficient for designation at this time.

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 25th day of July, 1995, by Mayor Lang, 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: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

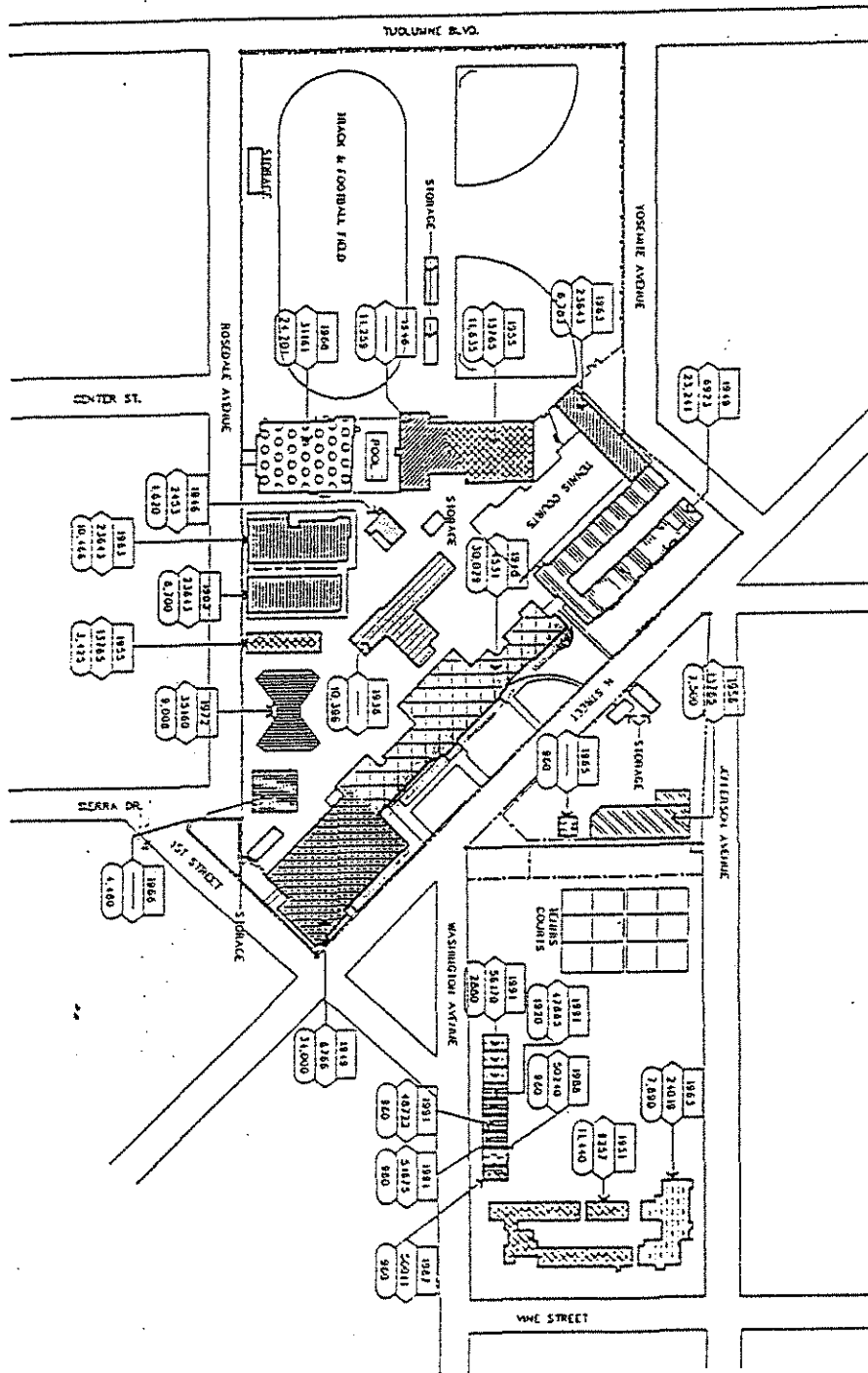
ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

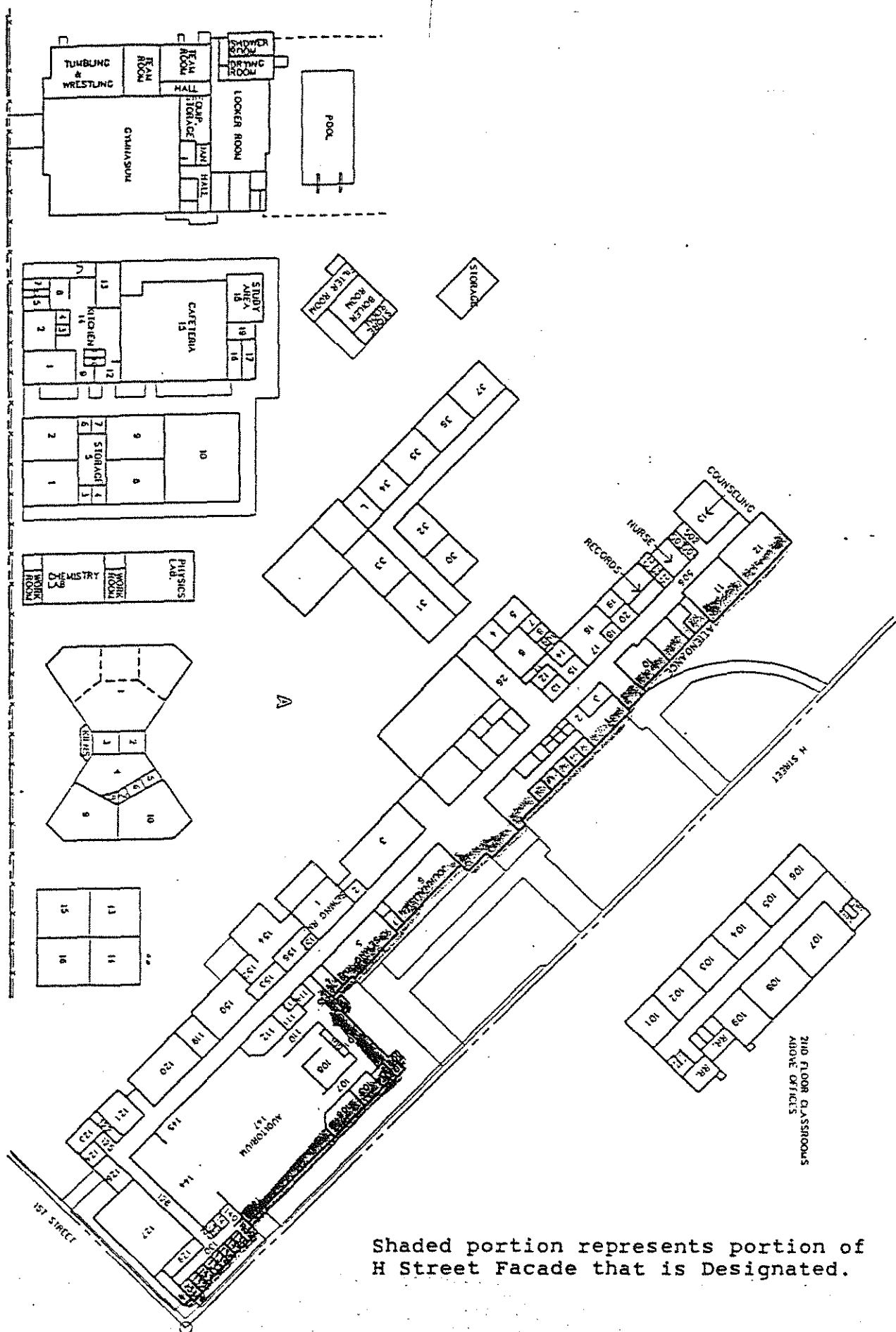
APPROVED AS TO FORM:

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

Landmark consists of the H Street facade of the Main Building of the Modesto High School site which includes all property located within Block 334, City of Modesto, as shown on the following maps:



Shaded portion represents portion of H Street Facade that is Designated.



Shaded portion represents portion of H Street Facade that is Designated.

RECOGNITION OF MODESTO HIGH SCHOOL AS HISTORIC LANDMARK

- (a) It is acknowledged that Modesto High School is considered to have significant historical, architectural and cultural significance for the community which it is desirable to recognize and preserve.
- (b) It is also acknowledged, however, that serving the needs of the existing community in a cost-effective manner by providing an educationally appropriate, healthful and safe environment for today's students must take precedence and may sometimes conflict with the goals of preservation.
- (c) The Landmark Preservation Commission proposes that the Modesto High School site and the H Street facade of the main building be designated as an historic landmark. This designation is intended to recognize importance of both the site and the many community leaders who have attended Modesto High School as part of the community's history. Designation is also intended to encourage preservation of the main facade to the extent possible while still supporting the ongoing educational needs of the community.
- (d) The Landmark Preservation Commission requests that the Modesto City Schools Board of Education consider the proposed landmark designation at a public meeting. It is acknowledged that the school board cannot be limited in its ability to maintain, move, modify or demolish buildings in order to meet current health, safety or educational needs. Therefore, the board may reject, accept, or conditionally agree to the proposal. This process is intended to provide public recognition by the school board of appropriate community interests in the Modesto High School site while recognizing that fiscal constraints may limit the feasibility of full preservation.
- (e) If the Modesto City Schools Board of Education agrees, or conditionally agrees, to recognition of Modesto High School as a landmark, such findings shall be conveyed to the Landmark Preservation Commission, including any restrictions, limitations or rights which the school board may have chosen to retain.
- (f) Any recommendation by the Landmark Preservation Commission to the City Council, or adoption of an ordinance by the Council, regarding designation of the Modesto High School site and main building facade shall specify that the school board retains the right to make any needed alterations, repairs, construction, demolition or relocation, subject to findings by the board that preservation is fiscally infeasible.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-375

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR CONSTRUCTION OF STREET LIGHTING PROJECT ON SCENIC DRIVE BETWEEN ROSE AVENUE AND OAKDALE ROAD

WHEREAS, bids for the construction of street lighting project on Scenic Drive between Rose Avenue and Oakdale Road, were opened on July 7, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical Company in the amount of \$31,000, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical 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 July, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-376

A RESOLUTION ACCEPTING THE SEWER LIFT STATION REHABILITATION PROJECT - TRASK/ENCINA AND COLLEGE/ORANGEBURG AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Sewer Lift Station Rehabilitation Project - Trask/Encina and College/Orangeburg, has been completed by Conco West, Inc., in accordance with the contract agreement dated September 6th, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Sewer Lift Station Rehabilitation Project - Trask/Encina and College/Orangeburg, be accepted from said contractor, Conco West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$247,519.75 as provided in the contract and amended by change orders, 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 July, 1995, by Councilmember ^{Friedman} who moved its adoption, which motion being duly seconded by Councilmember ^{McClanahan} was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-377

A RESOLUTION ACCEPTING THE MAZE BOULEVARD LIFT STATION INFLUENT LINE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Maze Boulevard lift station influent line project, has been completed by Rolfe Construction, in accordance with the contract agreement dated January 24, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Maze Boulevard lift station influent line project, be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$52,234 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 July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-378

A RESOLUTION APPROVING THE FINAL PARAMETERS OF THE FORTHCOMING MODESTO IRRIGATION DISTRICT BOND FINANCING RELATED TO THE ACQUISITION OF THE DEL ESTE WATER COMPANY.

WHEREAS, on June 27, 1995, the Modesto City Council Resolution No. 95-323, which provided legislative authorization for the City Manager to execute all documents necessary to allow the Modesto Irrigation District (hereinafter referred to as "MID") to proceed with a bond financing, under the MID's name and credit, on behalf of the City of Modesto (hereinafter referred to as "CITY") Water Fund, and

WHEREAS, the MID has now provided specific parameters for the financing, which is scheduled to be priced in the capital markets on July 26, 1995, and to close on August 17, 1995, and

WHEREAS, one condition of the bond issue is the bond shall be in an amount not to exceed \$30,000,000, and the second condition of the bond issue is that the true interest cost shall not exceed seven (7%) percent, and

WHEREAS, both of the above conditions must be met on the day of sale, or the MID and its financing team shall not proceed, and

WHEREAS, the purpose of the MID financing is to replace short-term, variable-rate commercial paper bearing taxable interest (first issued by MID in 1992 to support the Del Este Water Company's share of the Domestic Water Project) with long-term, fixed-rate revenue bonds bearing tax-exempt interest, and

WHEREAS, the tax-exempt nature of said financing has been made possible by the City's acquisition of the Del Este Water Company's assets and liabilities, and

WHEREAS, the dollar amount of the MID financing is expected to be approximately \$24.4 million, but a higher "not-to-exceed" figure is used in case a debt service reserve fund needs to be included, instead of a surety bond as currently envisioned, and for other last-minute market contingencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the parameters as provided by the Modesto Irrigation District are hereby approved for the financing, which is scheduled to be priced in the capital markets on July 26, 1995, and to close on August 17, 1995, subject to the conditions that the bond issue shall be in an amount not to exceed \$30,000,000, and the bond issue in the true interest cost shall not exceed seven (7%) percent, both of which conditions must be met on the day of sale, or the MID and its financing team shall not proceed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-379

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DE GROOT FOR THE LEASE OF APPROXIMATELY 2,565 ACRES OF THE SECONDARY WASTEWATER TREATMENT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hein Hettinga and Amos De Groot for the lease of approximately 2,565 acres of the secondary wastewater treatment facility 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 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-380

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

City Clerk/Auditor

The revised specifications for the classification of City Clerk/Auditor (Range 705), 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. EFFECTIVE DATE. This resolution shall become effective on and after July 25, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY CLERK/AUDITOR

DEFINITION

To plan, direct, and review the activities and operations of the City Clerk and Auditor's Office, including serving as liaison between the City Council and the public; to coordinate assigned activities with other City departments and outside agencies; to perform auditing functions of the Finance Department; and to provide highly responsible and complex administrative support to the City Council.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the City Council.

Exercises direct supervision over assigned staff.

EXAMPLES OF DUTIES: Duties may include, but are not limited to, the following:

Develop, plan, and implement goals and objectives; recommend and administer policies and procedures.

Serve as Clerk to the City Council; attend City Council and other public meetings and record all official proceedings; supervise the preparation of minutes and other documents; direct the publication, filing, indexing, and safekeeping of all proceedings of the Council.

Supervise the preparation, organization, printing, and distribution of the agenda for the City Council, Redevelopment Agency, Industrial Development Agency meetings, and any other agencies for which the City Council serves as the governing board.

Supervise and coordinate City and School District elections; train election staff; order and maintain election supplies and equipment.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the City Council; prepare and present staff reports and other necessary correspondence.

Direct and oversee the development of the Office's work plan; assign work activities, projects, and programs; monitor work flow; review and evaluate work products, methods, and procedures.

JULY, 1995

Supervise and participate in the development and administration of the City Council and City Clerk/Auditor's Office budget; direct the forecast of funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.

Perform auditing functions of the Finance Department, including approving and signing checks for accounts payable and payroll, accept and process wage garnishments, stop notices on city projects, claims and summons, review purchase orders, invoices, and records.

Select, train, motivate, and evaluate personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Maintain a variety of City records and files, including, but not limited to, deeds, agreements, contracts, grants ordinances, resolutions, insurance certificates, claims, and statements of economic interest.

Plan and direct the maintenance, updating and filing of official municipal documents.

Respond to and resolve difficult and sensitive citizen inquiries and complaints.

Assist the public and City staff by providing information and research assistance.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

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

Election laws and procedures.

Political reform requirements.

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

JULY, 1995

Knowledge of: (continued)

Principles of supervision, training, and performance evaluation.

Business English, spelling, grammar, and punctuation.

Principles and practices of municipal budget preparation and administration; principles and methods of record keeping and report writing.

Modern office procedures, methods, and computer software.

Ability to:

Organize and provide materials in compliance with laws, regulations, and policies.

Direct the microfilming/retention/destruction of official records in accordance with applicable laws and regulations.

Identify and respond to public and City Council issues and concerns.

Prepare and administer a department budget.

Select, supervise, train, and evaluate assigned staff; 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:

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:

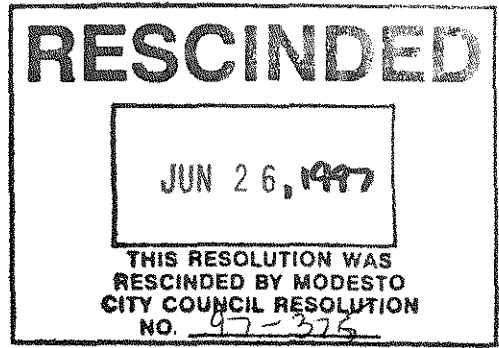
Five years of increasingly responsible experience in complex administrative office work in a City Clerk and Auditor's office, including two years of administrative and supervisory responsibility.

Training:

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

The Certified Municipal Clerks (CMC) designation is desirable.

2662



MODESTO CITY COUNCIL
RESOLUTION NO. 95-381

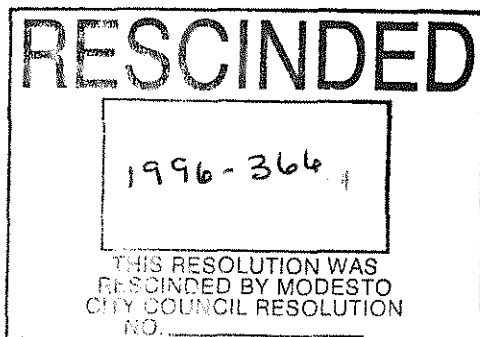
A RESOLUTION AMENDING EXHIBIT "G" OF
RESOLUTION NO. 95-310 TO AMEND THE CLASS
RANGE TABLE FOR CITY CLERK/AUDITOR.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "G" entitled "City of Modesto Class Range
Table, Executive Management, Effective June 27, 1995," attached
to Resolution No. 95-310, is hereby amended as shown on the
amended Exhibit "G" entitled, "City of Modesto Class Range Table,
Executive Management, Effective July 25, 1995", which is attached
hereto and made a part hereof as though set forth in full herein.
Said amended Exhibit "G" adjusts the salary range for City
Clerk/Auditor (Range 705) by Five Percent (5%).

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after July 25, 1995.



CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective July 25, 1995

RANGE	TITLE	MINIMUM	MAXIMUM
705	City Clerk/Auditor	4320	5401
706			
707-711			
712			
713	Personnel Director	5266	6584
714			
715			
716			
717	Finance Director	5814	7268
718			
719			
720	Parks & Recreation Director Fire Chief	6261	7827
721			
722	City Attorney Police Chief Community Development Director	6578	8222
723	Public Works and Transportation Director	6742	8428
724	Deputy City Manager	6911	8639
725			
726			
727			
728	City Manager	7628	9536

MODESTO CITY COUNCIL
RESOLUTION NO. 95-382

A RESOLUTION SUPPORTING CRIME PREVENTION AND
PROCLAIMING TUESDAY, AUGUST 1, 1995, AS
"NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is
sponsoring the 11th Annual edition of a special, coast-to-coast
community crime prevention event on Tuesday, August 1, 1995,
called "National Night Out", and

WHEREAS, the City of Modesto plays an essential role
assisting the Modesto Police Department through its cooperative
crime prevention efforts in Modesto and is in support of the
"National Night Out" locally, and

WHEREAS, the Modesto Police Department is coordinating
local activities planned by Neighborhood Watch groups and
anticipates that approximately 40 neighborhoods in Modesto will
have activity for "National Night Out", and

WHEREAS, it is important that all citizens in Modesto
be aware of the importance of crime prevention programs and the
positive impact that their participation can have in reducing
crime in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity
for Modesto to join together with thousands of other communities
across the country in support of safe neighborhoods and to
demonstrate the success of cooperative crime prevention efforts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 12th Annual "National Night Out" on Tuesday, August 1, 1995.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 1, 1995, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-383

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOLD STAR CHECKING TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gold Star Checking to operate as a bus pass outlet for Modesto Area Express (MAX) 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 25th day of July, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-384

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND
MINAGER & ASSOCIATES TO PROVIDE CONSULTANT SERVICES FOR THE MODESTO TRAFFIC
SIGNAL RETIMING AND UPGRADE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and Minager & Associates to provide
consultant services for the Modesto Traffic Signal Retiming and Upgrade Project
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 25th day of July, 1995, by Councilmember
Friedman , who moved its adoption, which motion being duly seconded by
Councilmember McClanahan , was upon roll call carried and the resolution
adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-385

A RESOLUTION SUMMARILY VACATING AND
ABANDONING A PORTION OF EXCESS STREET RIGHT-
OF-WAY LOCATED ON THE NORTH SIDE OF WOODLAND
AVENUE BETWEEN ROSEMORE AVENUE AND DAN WEST
COURT.

WHEREAS, the Community Development Department and the
Public Works and Transportation Department have requested the
abandonment of excess right-of-way located on the north side of
Woodland Avenue between Rosemore Avenue and Dan West Court to
correct a prior technical error, and

WHEREAS, the California Streets and Highways Code
authorizes a City Council, by resolution, to summarily vacate
excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is
located on the north side of Woodland Avenue between Rosemore
Avenue and Dan West Court, and is more particularly described in
Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and
declares that:

1. The vacation is made pursuant to Chapter 4,
Section 8334, of Part 3 of Division 9 of the Streets and Highways
Code.

2. The portion of excess street right-of-way located
on the north side of Woodland Avenue between Rosemore Avenue and
Dan West Court in the City of Modesto, as more particularly

described in Exhibit "A" attached hereto, is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on the north side of Woodland Avenue between Rosemore Avenue and Dan West Court in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers: Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

July 25, 1995

EXHIBIT "A"

**VACATE AND ABANDON PORTION OF NORTH SIDE
WOODLAND AVENUE BETWEEN ROSEMORE AND DAN WEST**

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

A strip of land 4.63 feet wide, measured at right angles, which is described as follows:

Beginning at the South quarter corner of said Section 24, said South quarter corner being also the intersection of the center line of Woodland Avenue with the center line of Rosemore Avenue; thence South $88^{\circ}30'43''$ West 242.03 feet; thence North $1^{\circ}02'30''$ West 30 feet to the TRUE POINT OF BEGINNING; thence North $88^{\circ}36'00''$ East 212.00 feet; thence North $1^{\circ}05'12''$ West 19.55 feet to a tangent curve; thence Southwesterly 23.48 feet along a curve concave to the Northwest, having a radius of 15.00 feet and a central angle of $89^{\circ}41'12''$; thence South $88^{\circ}36'00''$ West 197.08 feet; thence South $1^{\circ}02'30''$ East 4.63 feet to the point of beginning.

1/4 SECTION 24 T.3S. R.8E. M.D.B.&M.

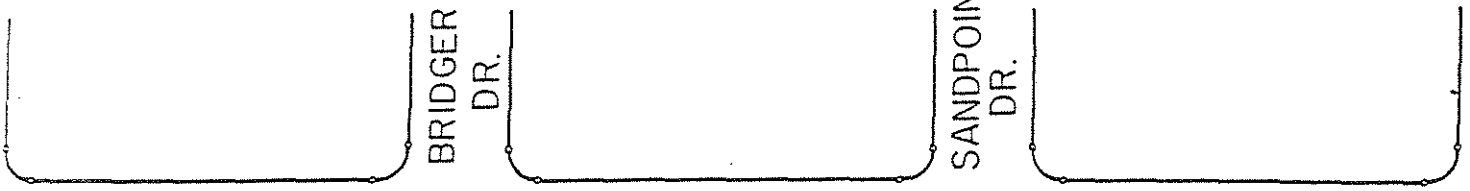
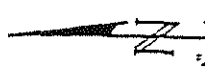
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WESTRIDGE NO. 3

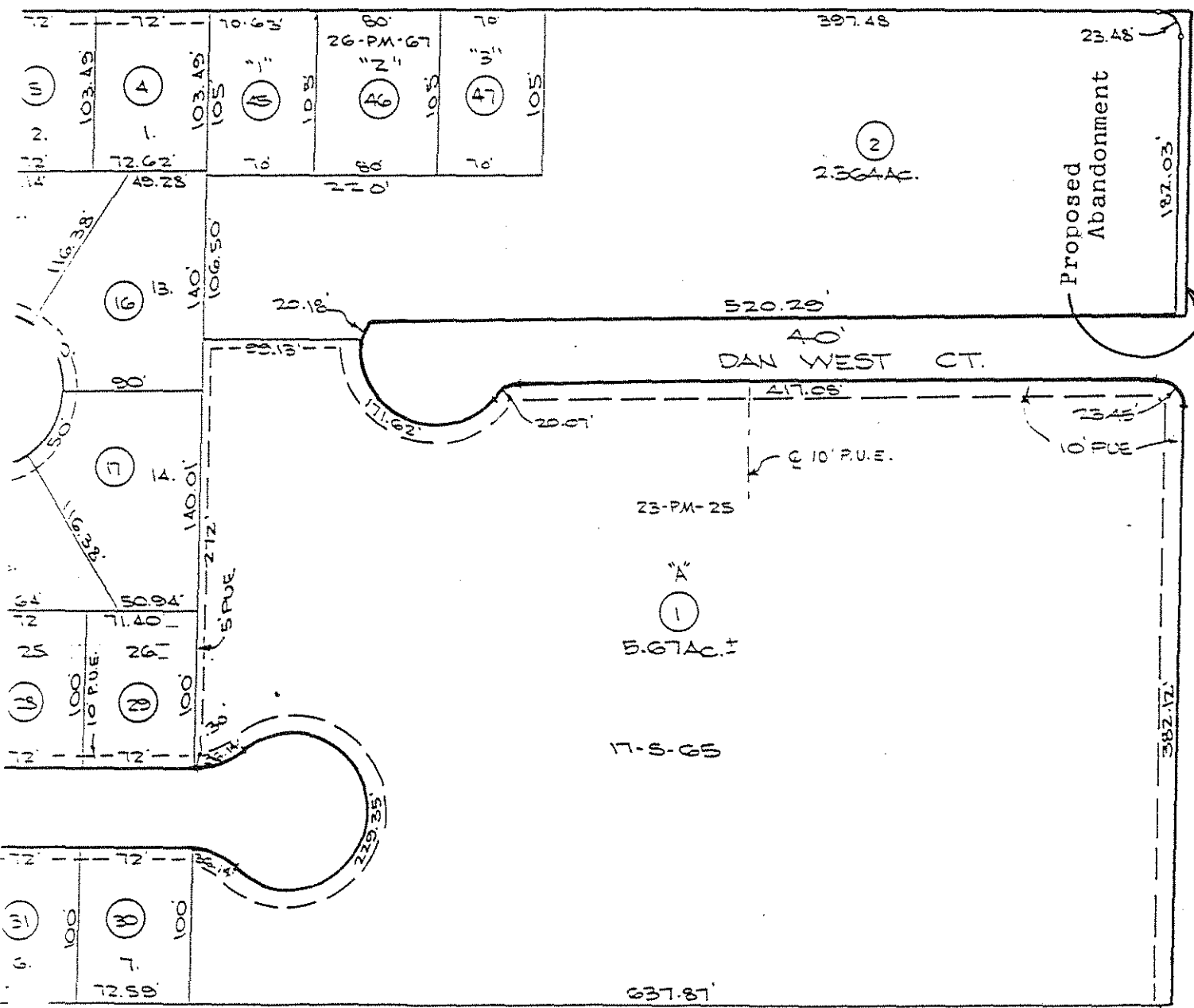
24

THIS MAP FOR ASSESSMENT PURPOSES ONLY

25



ROSEMORE AVE.



18



79, 93

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-386

A RESOLUTION APPROVING THE FINAL MAP OF THE
CONANT MEADOWS SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, the Housing Authority of the County of
Stanislaus, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 6.353 acres,
known as the Conant Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 29th day of
January, 1994, 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 Conant Meadows 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
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 subdividers have 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 Agreement hereinafter referred to.

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 25th day of July, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-387

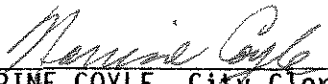
A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND SILAS GREEN FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Silas Green for the purpose of rehabilitating property at 425 Oak Street pursuant to the City of Modesto's Housing Rehabilitation Program 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 25th day of July, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember McClanahan , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-388

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE SCENIC LIFT
STATION DISCHARGE LINE PROJECT

WHEREAS, bids for the Scenic lift station discharge line project,
were opened on July 13, 1995 and tabulated by the Director of Public
Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has
recommended that the bid of Rolfe Construction Company in the amount of
\$155,825, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the bid of Rolfe 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 1st day of August, 1995,
by Councilmember Friedman , who moved its adoption, which motion
being duly seconded by Councilmember Dobbs , was upon roll call
carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

4

MODESTO CITY COUNCIL
RESOLUTION NO. 95-389

A RESOLUTION REJECTING BIDS FOR CNG FUELING STATION AT THE CORPORATION YARD, OPENED IN THE OFFICE OF THE CITY CLERK MAY 9, 1995, AND WITHDRAWING REQUEST FOR A \$90,000 GRANT FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

WHEREAS, in 1994, the City applied for and received a \$90,000 grant from the San Joaquin Valley Air Pollution Control District to convert the City's existing methane vehicle fueling station to Compressed Natural Gas (CNG); and

WHEREAS, bids received for the CNG fueling station at the Corporation Yard, were opened on May 9, 1995, with the only bid received being approximately 80% above the Engineer's estimate on the project; and

WHEREAS, staff recommends rejecting the bid and canceling the project because of the cost, and because a privately owned CNG fueling station has been installed in Modesto, with a second one in the planning stages.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for the CNG fueling station at the Corporation yard, opened in the office of the City Clerk on May 9, 1995, are hereby rejected.

BE IT FURTHER RESOLVED the City hereby withdraws its request for a \$90,000 grant from the San Joaquin Valley Air Pollution Control District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of Aug. 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember

Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-390

A RESOLUTION ACCEPTING THE RECONSTRUCTION OF "H" AND "I" STREETS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the reconstruction of "H" and "I" Streets, has been completed by George Reed, Inc., in accordance with the contract agreement dated July 19, 1994.

NOW, THEREFORE, BE IT RESOLVED that the reconstruction of "H" and "I" Streets, be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$1,686,445 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 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-391

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN INTERESTS IN REAL AND PERSONAL PROPERTY AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS RELATING TO THE ACQUISITION OF MORTGAGE OF CHATTELS AND REAL PROPERTY ACQUIRED FROM DEL ESTE WATER COMPANY.

WHEREAS, it is desirable and necessary for the City of Modesto to acquire a Mortgage of Chattels and Real Property, more particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to remove all liens and encumbrances from the former assets of Del Este Water Company which were acquired by the City of Modesto by a judgment in condemnation, and

WHEREAS, the City Council of the City of Modesto is vested with the power of eminent domain to acquire any interest in real or personal property by virtue of Article 1, Section 19, of the Constitution of the State of California, Government Code Sections 38730 and 40404, and Sections 1235.125, 1235.170, 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, 1240.410, 1240.510 and 1240.610 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and

addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City Council of the City of Modesto on the following matters:

- (a) Whether the public interest and necessity require the acquisition;
- (b) Whether the acquisition is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary; and
- (d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

1. The public interest and necessity require the acquisition in order to remove all liens and encumbrances from the former assets of Del Este Water Company which were acquired by the City of Modesto by a judgment in condemnation;

2. The acquisition is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of the property interest, more particularly described in said Exhibit "A", is necessary;

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the property;

5. The City Attorney of the City of Modesto or his duly authorized designee be, and he is hereby, authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

EXHIBIT A

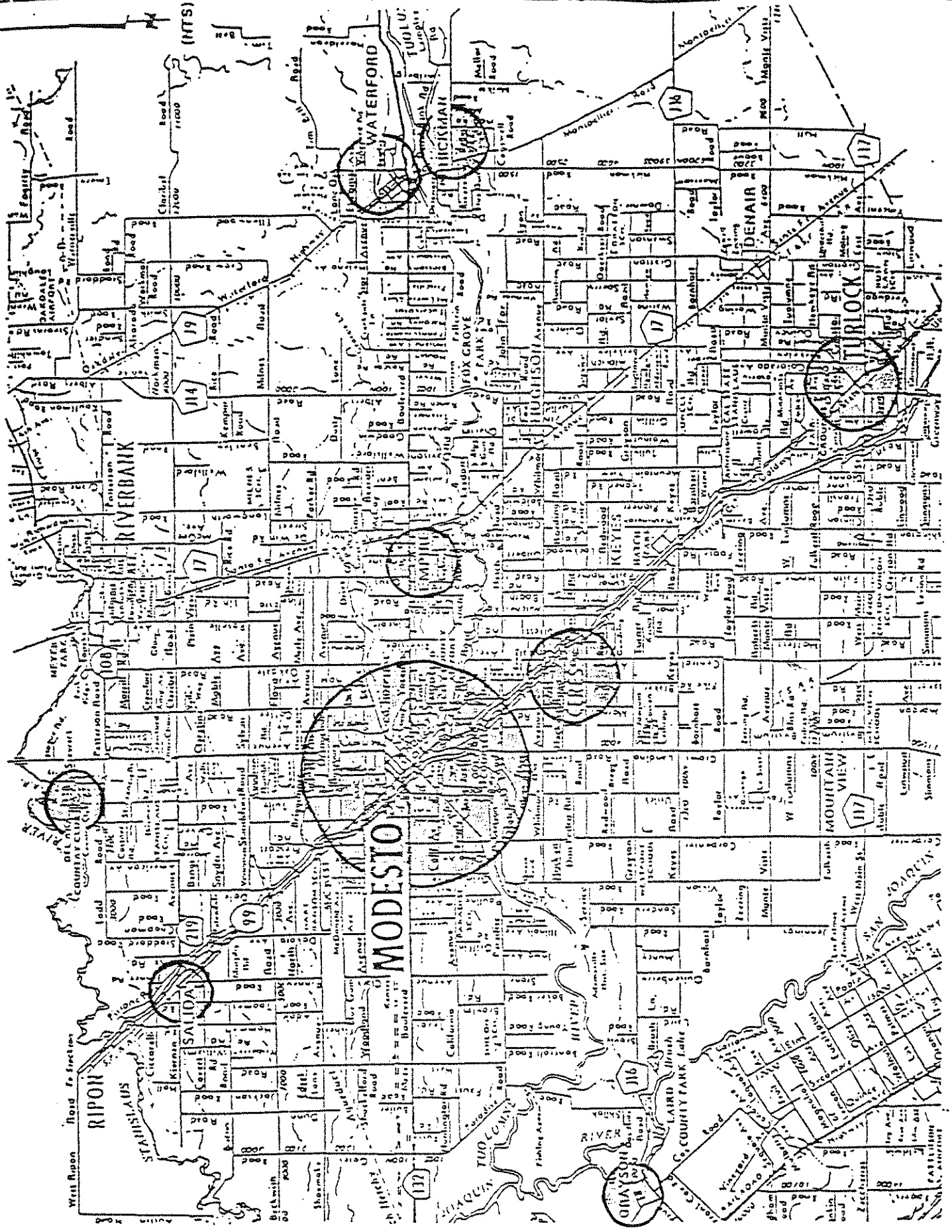
The March 1, 1951, Mortgage of Chattels and Real Property as supplemented and modified by the First through the Eighth Supplemental Indentures and Security Agreements which granted Mortgagee Pacific Mutual Life Insurance Company, its successors and assigns, a security interest in the following assets, all of which have been acquired from Mortgagor Del Este Water Company by condemnation by the City of Modesto:

- I. All of the real property and interests in real property situated, lying and being in the County of Stanislaus, State of California.
- II. All other real property and interests therein including, without limitation, all leaseholds, easements and rights of way, and all water rights now owned or hereafter acquired by the Mortgagor, wheresoever situated.
- III. All plants, systems, buildings, structures, pumps, tanks, wells, pipelines, service pipes, meters, engines, boilers, machinery, motors, equipment, facilities, appliances, implements, tools and all other appurtenances, facilities and property of any nature now or hereafter located on the real property in the County of Stanislaus or on any other real property or any interests in real property now owned or which may hereafter be owned or acquired by the Mortgagor.
- IV. All corporate, federal, state, municipal, and other permits, consents, licenses, franchises, grants, privileges and immunities of every kind and description now belonging to or which may hereafter be held, owned, enjoyed or possessed by the Mortgagor, and all renewals, extensions and modifications of any of them, to the fullest extent permitted by law.
- V. All other property, real, personal or mixed, tangible or intangible, of every kind, character and description, wheresoever situated, not owned or which may hereafter be acquired by the Mortgagor.
- VI. Together with all and singular the tenements, hereditaments, rights, privileges and appurtenances belonging or in any way appertaining to any of the property hereby mortgaged or any part thereof, and the reversions and reversions, remainder and remainders, and the rents, revenues, earnings, income and profits thereof and every part and parcel thereof.
- VI. All proceeds (as defined in the California Uniform Commercial Code) of the various properties described in paragraphs III through VI, above.

EXHIBIT A (Cont.)

EXPRESSLY EXCEPTING AND EXCLUDING, however, from the lien and operation of the Mortgage the following described property of the Mortgagor (herein sometimes referred to as "Excepted Property"), whether now owned or hereafter acquired by the Mortgagor:

- (i) All cash on hand and in banks, and accounts receivable;
- (ii) All merchandise, appliances, materials and supplies purchased or acquired for the purpose of sale or which are consumable (otherwise than by ordinary wear and tear) in the use and operation of the plants or systems of the Mortgagor;
- (iii) Automobiles, trucks and similar vehicles, together with all equipment necessary to the operation and maintenance thereof; and
- (iv) Office furniture, equipment and supplies.



CITY OF MODESTO
DEL ESTE WATER COMPANY EVALUATION

DEWC WATER SYSTEM LOCATIONS

MODESTO CITY COUNCIL
RESOLUTION NO. 95-392

A RESOLUTION COMMENDING GREG STEEL FOR HIS
CONTRIBUTIONS TO TRANSPORTATION AND AIR
QUALITY PLANNING IN STANISLAUS COUNTY.

WHEREAS, Greg Steel has worked for the Stanislaus Area
Association of Governments (SAAG) for the last twenty-one years,
and

WHEREAS, for the last five years, Greg has been the
Executive Director of SAAG, and

WHEREAS, during this time Greg has been instrumental in
promoting coordination and cooperation among the County and
cities in Stanislaus County, and

WHEREAS, Greg has been largely responsible for bringing
attention to the issues of prime importance to the City of
Modesto and Stanislaus County before Caltrans and the California
Transportation Commission, such as the Ninth Street Railroad
Project, and

WHEREAS, Greg has been instrumental in achieving an air
quality conformity finding which will keep transportation funds
coming into the City of Modesto, and

WHEREAS, Greg has recently announced his retirement as
the Executive Director of the Stanislaus Area Association of
Governments to assume the responsibilities of running the family
farm in Glenn County, and

WHEREAS, Greg's knowledge and expertise in the areas of
transportation and air quality will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto commends Greg Steel for his twenty-one years of service to the people of Stanislaus County.

BE IT FURTHER RESOLVED that the City of Modesto wishes Greg Steel success in his future endeavors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Click

MODESTO CITY COUNCIL
RESOLUTION NO. 95-393

A RESOLUTION AMENDING PARAGRAPH NO. 3 OF RESOLUTION NO. 88-649, AS AMENDED, RELATING TO EXEMPTIONS FROM AND DEFERRAL TO CAPITAL FACILITIES FEES AS APPLIED TO A CHANGE IN USE OF EXISTING BUILDINGS OR PROJECTED ADDITIONAL VEHICLE TRIPS.

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 current capital facilities fees are set forth in Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-570, and 94-409, and

WHEREAS, issues have arisen relating to exemptions from and deferral to capital facilities fees as applied to a change in use or projected additional vehicle trips, and

WHEREAS, in a report to the Council from the Business Development Office, dated July 20, 1995, it was recommended that the provision which regulates the reuse of existing buildings should be amended, and

WHEREAS, the Council considered this matter, as recommended by City staff and set forth in the report referred to above, at its meeting of August 1, 1995,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Subparagraph (b) of Paragraph No. 3. of Resolution No. 88-649, as

amended by Resolution Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, 92-570, and 94-409, is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

- (a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:
- (1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.
 - (2) Any low-income housing units constructed or expanded by any other person or entity on a not-for-profit basis. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact low-income and whether or not the development will be on a not-for-profit basis. As used in this subparagraph and the preceding subparagraph, the term "low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.
 - (3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

- (4) Any alteration or addition to a residential structure, except to the extent that additional units are created.
 - (5) Any replacement or reconstruction of a residential structure existing on November 21, 1989, that has been destroyed or demolished since that time.
 - (6) Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.
 - (7) Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.
- (b) Any alteration or change of use of an existing building shall not trigger the payment of capital facilities fees, provided no new dwelling units are created or no new square footage is added with non-residential

structures. When an additional residential unit or new square footage for non-residential structures is created, capital facilities fees shall be due for the additional units or square footage only.

(c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

(1) There shall be two (2) categories of qualified projects defined as follows:

(a) Category A qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees exceed \$50,000.00.

(b) Category B qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than \$25,000.00 but less than \$150,000.00. Category B qualified projects shall also include industrial/warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than \$25,000.00 but less than \$50,000.00.

- (2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed \$5,000.00.
- (3) The property owner and/or developer in the case of "Category A qualified projects" may enter into a Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital

facilities fees due through property tax assessment.

- (4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

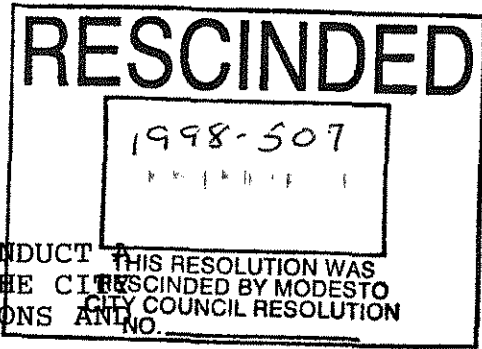
ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 95-394

A RESOLUTION GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT PARADE AND INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 92-468.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 92-468.

WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has filed a request with the City Council for permission to have the International Festival and Parade, an international and ethnic cultural event celebrating diversity in the community, and

WHEREAS, the Committee has requested the use of Graceada Park for the International Festival, which offers a variety of arts and crafts and food booths, as well as entertainment and an ethnic diversity parade, and

WHEREAS, the Council has considered the request for City assistance with the International Festival Activities and the Council deems it appropriate to grant approval 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, subject to the conditions set forth, relating to the Committee's request for City assistance with the International Festival activities.

1. The Committee will conduct the International Festival on two consecutive weekend days (Saturday

and Sunday), either the last weekend in September or the first weekend in October.

2. The event will be conducted from the time of 9:00 a.m. to 6:00 p.m. on the designated days. Entertainment will be conducted from 10:00 a.m. to 6:00 p.m. on Saturday and 11:00 a.m. to 4:00 p.m. on Sunday.
3. The Committee shall be allowed to conduct the parade from 10:00 a.m. until 12:00 p.m. on the Saturday of the event.
4. The following parade route is approved as the parade route to be for the International Festival: starting at Needham Avenue and M Street, east on Needham Avenue to Park Avenue, north on Park Avenue to Stoddard Avenue, west on Stoddard Avenue to Enslin Avenue, north on Enslin Avenue to Morris Avenue, east on Morris Avenue to Park Avenue, south on Park Avenue to Stoddard Avenue, east on Stoddard Avenue to Sycamore Avenue, south on Sycamore Avenue to Needham Avenue; then disband.
5. "M" Street, between Needham Avenue and 11th Street will be barricaded between 9:00 a.m. and 1:00 p.m. on Saturday of the International Festival for the parade forming area.
6. The City will erect the City's reviewing stand with canvas top on at Graceada Park prior to 8:00 a.m. for use for the parade on Saturday and will remove said reviewing stand thereafter.
7. The Committee is granted permission to use a public address system at the reviewing stand for the parade.
8. The City shall provide street sweeping on Saturday following the parade.
9. The City shall provide and set up the portable stage with awning at Graceada Park.
10. The City shall provide use of the PA system for Mancini Bowl during the International Festival.
11. The City shall allow the Committee the use of amplified instrumentation at the event during the

designated event times at a volume not to disturb the adjoining neighborhoods.

12. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems.
13. The City shall provide litter removal from the park site during the event.
14. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.
15. The City shall provide cost of mailing up to 800 pieces of information, not to exceed \$300.00.
16. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales area.
17. The Committee shall be responsible for providing portable toilets at the park site.
18. The Committee shall provide signs directing vehicular traffic during the parade.
19. The City shall waive all fire inspection fees; however, the Committee shall be responsible for any and all other fees as may be required by other agencies.
20. The City shall provide 60 garbage cans and liners for the collection of garbage. Cans will be delivered on Friday, prior to the event and removed after the event on Sunday.
21. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer garden as well as night time security.
22. The City will provide police assistance during the parade and International Festival activities as deemed necessary by the Police Chief.
23. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb side parking for the Committee during the event.

24. The City will provide necessary barricades during the parade and will remove them after the parade.
25. All public improvements shall be left in the same condition as existed prior to the Festival.
26. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and nonhazardous condition. Any obstructions to public or private use shall be removed by the Committee no later than 9:00 p.m. Sunday, after the event.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival and Parade:

1. That the City of Modesto shall indemnify and hold harmless the Committee 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 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 Parade and the use of the City facilities for the Committee's International Festival and parade.
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 as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material change 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. 92-468 adopted August 18, 1992, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *Michael D. Milich*
MICHAEL D. MILICH, City Attorney

ACCEPTANCE

I do hereby agree with and accept all of the terms and conditions set forth in Resolution No. 95-394 pertaining to the International Festival '95 activities.

Dated: August 16, 1995

INTERNATIONAL FESTIVAL '95

By Susan Mendota
(Name & Title) *Chairwoman*
Festival Committee

By Jolene Fontaine
(Name & Title) *Event Coordinator*

MODESTO CITY COUNCIL
RESOLUTION NO. 95-395

A RESOLUTION GRANTING A CONDITIONAL EXEMPTION TO SELF-HELP ENTERPRISES FOR AN EXEMPTION OF CAPITAL FACILITIES FEES FOR THE PARADISE ROAD APARTMENTS.

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the Council by resolution to establish the amount of Capital Facilities Fees to be charged new construction, including the expansion of and/or the addition to an existing structure, to mitigate an unfunded portion of the determined impact of the development, and

WHEREAS, Capital Facilities Fees are currently set forth in Resolution No. 88-649 as amended by Resolution Nos. 89-373, 89-986, 89-1182, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, and 95-393, and

WHEREAS, Doug Pingel, Project Coordinator, on behalf of Self-Help Enterprises, by letter dated July 12, 1995, requested consideration of an exemption from Capital Facilities Fees (CFF) for the Paradise Road Apartments, a proposed 48-unit family-rental project to be located on Paradise Road at Mayette Avenue, and

WHEREAS, said project is earmarked for households with less than a 50% median area income, and the request for an exemption calculates to an exemption of \$2,415 per unit or a total of \$115,920, and

WHEREAS, said request submitted by Doug Pingel, on behalf of Self-Help Enterprises, was set for public hearing before the Council of the City of Modesto at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., on August 8, 1995, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Council of the City of Modesto found and determined as follows:

1. That based on Council Resolution No. 95-393, Self-Help Enterprises is a not-for-profit housing agency.
2. That based on Council Resolution No. 95-393, units to be constructed in this project are to serve very-low-income residents (less than 50% medium area income).
3. That based on CFF Administrative Guideline 25, approved by Council Resolution No. 94-562, while the cumulative CFF exempt units to total units built since 1989 does exceed the 2% cap (2.2%), that emergence from the recession will reduce the figure below the 2% cap in the future,

and

WHEREAS, the Council further determined that the request of Doug Pingel, on behalf of Self-Help Enterprises, for an exemption to Capital Facilities Fees should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, the provision of very low-income housing being a high priority for the Council, the Council hereby grants to Doug Pingel, Project Coordinator, on behalf of Self-Help

Enterprises, an exemption from Capital Facilities Fees (CFF) for the Paradise Road Apartments, a proposed 48-unit family-rental project to be located on Paradise Road at Mayette Avenue, at an exemption of \$2,415 per unit or a total of \$115,920, and which project is earmarked for households with less than a 50% median area income, subject to performance conditions similar to those approved of in previous cases which are incorporated into an agreement satisfactory to the City Attorney and subject to future approval by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-396

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION COMPANY FOR THE AIRPORT DISTRICT IMPROVEMENTS - EMPIRE AVENUE AND KERR AVENUE

WHEREAS, bids for the Airport District improvements - Empire Avenue and Kerr Avenue project, were opened on July 18, 1995 and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Teichert Construction Company in the amount of \$274,272, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert 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 8th day of August, 1995, by Councilmember Friedman , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-397

A RESOLUTION REJECTING BIDS FOR AN ABOVE-GROUND MOBILE BUS HOIST FOR THE BUS MAINTENANCE FACILITY, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 13, 1995, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, Resolution No. 95-250, adopted by the Council of the City of Modesto on May 23, 1995, approved the plans and specifications for an above-ground mobile bus hoist for the bus maintenance facility, and authorized the call for bids; and

WHEREAS, bids received for an above-ground mobile bus hoist for the bus maintenance facility, were opened on June 13, 1995; and

WHEREAS, during the bid evaluation process, staff learned of additional features and enhancements that are desirable and recommends bids be rejected and specifications be rewritten to incorporate these features.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for the above-ground mobile bus hoist for the bus maintenance facility, opened in the office of the City Clerk on June 13, 1995, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for an above-ground mobile bus hoist for the bus maintenance facility to be opened August 28, 1995, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman , who moved its

adoption, which motion being duly seconded by Councilmember
Dobbs , was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-398

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTER EQUIPMENT FOR FISCAL YEAR 1995-96 FROM THE BEST AVAILABLE COMPETITIVELY BID OR COOPERATIVE CONTRACT SOURCE

WHEREAS, Municipal Code Sections 8-3.202.h and 8-3.203.d allow for the approval by Council to join with the State of California and other units of government in cooperative purchasing plans and to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of computer equipment for Fiscal Year 1995-96 is hereby waived.

BE IT FURTHER RESOLVED that purchase of computer equipment for Fiscal Year 1995-96 from the best available competitively bid or cooperative contract source, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-399

A RESOLUTION ADOPTING A PAY FOR PERFORMANCE PROGRAM ENCOMPASSING ALL UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES IN THE CLASSIFIED SERVICE.

WHEREAS, the Council has expressed an interest in linking pay to performance to improve accountability, productivity and quality of service; to reward high performers and achievers; increase communication at all levels within the organization; and to support the movement of Team Modesto" toward a high performance organization,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Pay for Performance Program encompassing all unrepresented Management and Confidential employees in the classified service, and a copy of said Pay for Performance Program is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the effective date of the Program is November 14, 1995.

BE IT FURTHER RESOLVED that said Pay for Performance Program may be amended from time to time by the City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

PAY FOR PERFORMANCE PROGRAM

The City of Modesto strives to be a high performance organization-- to recognize employees as our most important resource, and to value them for their adaptability, dedication, initiative and contributions to meaningful results.

In adopting a Pay for Performance Program, we choose to reserve the top pay for the top performers. Employees' contributions to meaningful results will be recognized and rewarded with compensation, responsibility and opportunities for professional and personal development.

Objectives

This Pay for Performance (PFP) Program is established by the City of Modesto with the objectives of:

- Directly linking pay to performance
- Improving accountability, productivity and quality of service
- Rewarding high performers and high achievers
- Increasing communication at all levels within the organization
- Supporting the movement of "Team Modesto" toward a high performance organization

Program Elements

The PFP Program consists of:

- A nine-step Salary Step Plan with Steps 7-9 reserved for high performers
- A performance-based Bonus Program to recognize and reward significant contributions to results
- A Performance Management Program to support the performance evaluation process

Participants

The PFP Program is implemented for unrepresented Management and Confidential employees, in the classified service.

8/08/95

Pay for Performance Salary Step Plan

• Steps

The PFP salary step plan consists of nine steps at 2 1/2% intervals, rather than the traditional five-step system with 5% intervals.

Traditional Steps	A		B		C		D		E
PFP Steps	1	2	3	4	5	6	7	8	9

• Step Progression

Employees hired (or promoted) at Step 1, will be considered for a step increase following the completion of 13 payperiods (approximately 6 months). Employees will be considered for all subsequent step increases at intervals of 26 payperiods (12 months).

Employees moving through the PFP steps will be granted a 5% increase (2 steps), provided that they achieve a rating of "Exceeds Expectations" on their annual performance evaluation. A rating of "Meets Expectations" will provide for a 2.5% increase (1 step), up to Step 6.

Steps 7-9 are reserved for high performers and can only be achieved with an "Exceeds Expectations" rating.

• Y-rating

Employees at or above Step 7 who fail to maintain an "Exceeds Expectations" rating will be ineligible for a step increase. In addition, the salaries of such employees will be Y-rated, (frozen). The Y-rate will have a "value" of 2.5%, meaning that the employee will be ineligible for any ATB's totalling 2.5% or less per evaluation year, except that the employee's salary will not fall below Step 6. No employee will experience an actual salary reduction. However, continued "Meets Expectations" performance ratings will result in that employee remaining Y-rated until their salary equals Step 6. Once a Y-rated employee receives an "Exceeds Expectations" rating, their Y-rate status will be removed and they will be advanced 2 steps, but not to exceed Step 9.

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- Grace Period

As a transition to the requirement that employees must maintain an "Exceeds Expectations" rating to stay at the top of the range, employees who are at traditional Steps D (7) or E (9) when PFP is implemented, will be granted a 12-month grace period. Evaluations coming due for these employees during the initial 12-month implementation period will not result in Y-rating if the employee fails to achieve an "Exceeds Expectations" rating. A "Meets Expectations" rating during this grace period will be sufficient to maintain an employee at Steps 7 or 9 and provide for any ATB's, but will not provide for a step increase.

At the second annual evaluation following the implementation of the PFP Program, all employees will be evaluated on PFP standards and expectations, as established under the Performance Management Program, and the PFP salary step plan will be fully implemented.

- Reconsideration

The PFP Program maintains the practice of completing an annual performance evaluation for each employee on their designated annual evaluation date. Employees not successful in achieving a step increase will be eligible for reconsideration on their next annual evaluation date (generally 26 payperiods).

- Increases Following Promotion

The established policy on evaluation dates for step increases following promotion, is as follows: If an employee had a date to be "considered" for a step increase in their former position, and the employee receives less than a 10% salary increase upon promotion, the employee will maintain that step increase consideration date following promotion.

Under PFP, this policy on increase dates following promotion continues to apply. In addition, when an employee's step placement upon promotion is to PFP Steps 7 or 8, and the employee has a step increase consideration date which falls within the first 13 payperiods following promotion, the employee will not be subject to Y-rating if the employee fails to achieve an "Exceeds Expectations" performance rating. The employee must achieve such a rating, however, in order to actually receive a step increase. All subsequent annual evaluations will be subject to the PFP step plan requirements.

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● Across-the-Board Increases

To prevent salary level compaction, the PFP Program provides for the continuation of across-the-board salary increases, as have historically been approved by the City Council and authorized by the City Manager for Management and Confidential employees. (Exception: as noted above, employees subject to Y-rating have certain restrictions on ATB's.)

Performance-Based Bonus Program

A performance-based Bonus Program is established to reward outstanding results and achievements.

1. Any Management or Confidential employee covered by the PFP Program will be eligible to be considered for a performance Bonus. Selection will be based on results-oriented criteria for achievements in one or more of the designated categories.
2. Bonus monies will be budgeted annually by the City Council. It is anticipated that these monies will be equivalent to approximately 1% of the base salaries for unrepresented Management and Confidential employees.
3. Bonuses will be distributed on an annual basis on or about December 1.
4. Bonuses may be given out to any number of employees within the funding parameters, and in any combination of dollar amounts, except that the minimum amount will be \$1000 and the maximum amount will be \$5000 per employee per year.
5. Nominations must include specific examples of results or achievements in one or more of the following categories:
 - Organizational and System Improvement
 - Innovation
 - Leadership
 - Team Building
 - Creativity
 - Fiscal Impact
 - Initiative
6. Nominations must document contributions toward specific results which derive from projects, programs or services

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outside the scope of on-going responsibilities generally expected of the employee. The focus of the Bonus Program is not to serve as recognition for high performers, as the PFP salary step plan is designed for that purpose, but to reward results.

7. While all employees covered by the PFP Program will be eligible for consideration, performance bonuses are to be awarded only to employees who achieve specific outstanding results. It is not the intent of the Bonus Program to simply divide bonus monies among all high performing employees.
8. The selection of employees to receive bonuses and the amount of their individual awards will be determined by the Department Head Team.
 - Nominations will be sent to the Department Head for employees in his/her department. Nominations may come from anywhere in the organization, and may include self-nominations.
 - Individual Department Heads will screen the nominations received for employees within their department. Names of those individuals nominated for bonuses and passing their initial screening will be submitted to the Department Head Team. At the Department Head Team meeting, the nominations will be reviewed and individuals will be selected for the bonuses.
9. Names of bonus recipients and the dollar amount of performance bonuses are subject to disclosure under the Public Records Act.

Performance Management Program

A standardized Performance Management Program is implemented to ensure a consistent framework for supervisors when completing performance evaluations. This system is structured to ensure that an "Exceeds Expectations" rating is truly reflective of high performance. To achieve this goal, the organization will have to acknowledge the traditional Step C (new PFP Step 6) as the level attainable by a fully competent employee, i.e. an employee who "Meets Expectations." Under the PFP Program, Steps 7-9 are reserved for those employees who demonstrate excellence.

8/08/95

The Performance Management Program includes a "Performance Management Guidelines" document designed to assist supervisors in defining and communicating to employees what is expected of them, and to measure, record and assess performance versus expectations.

The Performance Management Program provides a structure for monitoring performance, but it is also designed to foster employee development and encourage employees to pursue and achieve their full potential.

PAY FOR PERFORMANCE IMPLEMENTATION SCHEDULE

The PFP Program becomes effective 3 months (6 payperiods) after City Council adoption, as follows:

1. Annual performance evaluations due on or after the effective date will be rated according to the PFP Program criteria. (With the exception of employees at traditional Steps D and E, who will be provided a 12-month grace period as described in the PFP Program document.)
2. As annual performance evaluations come due and are reviewed with the employee, new performance expectations shall be written to meet the Performance Management Guidelines criteria.
3. Performance Bonuses will be awarded in December, 1995.

<u>DATE</u>	<u>ACTION</u>
August	Adoption by City Council
Aug-Sept.	Staff (PFP Team Members and Performance Management Guideline Members) provides training for all Management and Confidential employees
October	Bonus nominations are accepted this month, only
November	Individual Department Heads review their department's nominations and make recommendations to the full Department Head Team Department Head Team selects Bonus recipients and designates the amounts of individual awards
December	First full pay period, the Finance Department issues Bonus checks
October '96	Annual nominations again accepted

8/08/95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-400

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO CITY EMPLOYEES'
ASSOCIATION (MCEA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees' Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, the Council desires to amend that policy as it
pertains to employees represented by the Modesto City Employees'
Association (MCEA),

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that pursuant to the provisions of Section 20615
of the California Government Code, the City shall pay the seven
percent (7%) member contribution in the employee's name to the
PERS for all employees represented by the Modesto City Employees'
Association (MCEA), effective November 1, 1994. Such payment
shall not be implemented pursuant to Section 20023(c)(4) of the
California Government Code.

BE IT FURTHER RESOLVED that Resolution No. 94-386 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

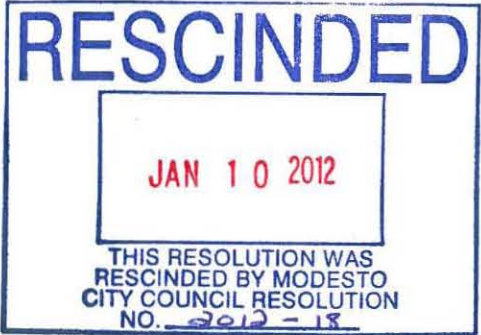
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



MODESTO CITY COUNCIL
RESOLUTION NO. 95-401

A RESOLUTION AMENDING A LABOR POLICY PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY THE CITY ON BEHALF OF THE EMPLOYEES REPRESENTED BY THE MODESTO CITY FIRE FIGHTERS' ASSOCIATION (MCFFA).

WHEREAS, by Resolution No. 94-386 adopted by the Council on June 28, 1994, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, by Resolution No. 94-497 adopted by the Council August 16, 1994, the Council amended that policy as it pertains to employees represented by the Modesto City Firefighters' Association (MCFFA), and

WHEREAS, the Council desires to amend said policy,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

Pursuant to the provisions of Section 20615 of the California Government Code, effective August 9, 1994, the City of Modesto elects to pay eight percent (8%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid

normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This benefit shall apply to all employees represented by the Modesto City Fire Fighters' Association (MCFFA) who are classified fire safety members by PERS.

BE IT FURTHER RESOLVED that Resolution No. 94-386 and Resolution No. 94-497 are hereby repealed in their entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-402

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO POLICE OFFICERS
ASSOCIATION (MPOA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees' Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, by Resolution No. 94-538 adopted by the
Council September 6, 1994, the Council amended that policy as it
pertains to employees represented by the Modesto Police Officers'
Association (MPOA), and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20615 of the
California Government Code, effective September 6,
1994, the City of Modesto elects to pay eight percent
(8%) of the normal member contributions of nine percent
(9%) as employer paid member contributions (EPMC) and
report same to PERS as compensation for safety members.
Such payment shall be implemented pursuant to the
provisions of Section 20023(c)(4) of the California
Government Code, providing for the inclusion of
employer-paid normal member contributions (EPMC) as
compensation for the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This benefit shall apply to all employees represented by the Modesto Police Officers Association (MPOA) who are classified police safety members by PERS.

BE IT FURTHER RESOLVED that Resolution No. 94-386 and Resolution No. 94-538 are hereby repealed in their entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-403

A RESOLUTION AMENDING A LABOR POLICY
PROVIDING FOR PUBLIC EMPLOYEES' RETIREMENT
SYSTEM EMPLOYEE CONTRIBUTIONS TO BE PAID BY
THE CITY ON BEHALF OF THE EMPLOYEES
REPRESENTED BY THE MODESTO POLICE MANAGEMENT
ASSOCIATION (MPMA).

WHEREAS, by Resolution No. 94-386 adopted by the
Council on June 28, 1994, the City adopted a labor policy
providing for Public Employees' Retirement System (PERS) employee
contributions to be paid by the City on behalf of employees and
for reporting of employer-paid normal member contributions to
PERS as compensation, and

WHEREAS, by Resolution No. 94-494 adopted by the
Council August 16, 1994, the Council amended that policy as it
pertains to employees represented by the Modesto Police
Management Association (MPMA), and

WHEREAS, the Council desires to amend said policy,

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

Pursuant to the provisions of Section 20615 of the
California Government Code, effective August 9, 1994,
the City of Modesto elects to pay eight percent (8%) of
the normal member contributions of nine percent (9%) as
employer paid member contributions (EPMC) and report
same to PERS as compensation for safety members. Such
payment shall be implemented pursuant to the provisions
of Section 20023(c)(4) of the California Government
Code, providing for the inclusion of employer-paid
normal member contributions (EPMC) as compensation for
the purpose of reporting to PERS.

Pursuant to the provisions of Section 20615 of the California Government Code, effective June 27, 1995, the City of Modesto elects to pay seven and one-half percent (7.5%) of the normal member contributions of nine percent (9%) as employer paid member contributions (EPMC) and report same to PERS as compensation for safety members. Such payment shall be implemented pursuant to the provisions of Section 20023(c)(4) of the California Government Code, providing for the inclusion of employer-paid normal member contributions (EPMC) as compensation for the purpose of reporting to PERS.

This benefit shall apply to all employees represented by the Modesto Police Management Association (MPMA) who are classified police safety members by PERS.

BE IT FURTHER RESOLVED that Resolution No. 94-386 and Resolution No. 94-538 are hereby repealed in their entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-404

A RESOLUTION ADOPTING THE PROVISIONS OF
SECTION 414(h)(2) OF THE INTERNAL REVENUE CODE.

WHEREAS, the City of Modesto has the authority to
implement the provisions of Section 414(h)(2) of the Internal
Revenue Code (IRC), and

WHEREAS, the Board of Administration of the Public
Employees' Retirement System (PERS) adopted its resolution
regarding Section 414(h)(2) IRC on September 18, 1985, and

WHEREAS, the City of Modesto has determined that even
though the implementation of the provisions of Section 414(h)(2)
IRC is not required by law, the tax benefit offered by said
Section should be provided to its employees who are members of
PERS,

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

1. That the City of Modesto will implement the provisions
of Section 414(h)(2) of the Internal Revenue Code by
making employee contributions pursuant to California
Government Code Section 20615 to the Public Employees'
Retirement System on behalf of its employees who are
members of the Public Employees' Retirement System.
"Employee contributions" shall mean those contributions
to the Public Employees' Retirement System which are
deducted from the salary of employees and are credited
to individual employee's accounts pursuant to Califor-
nia Government Code Section 20615.

2. That the contributions made by the City of Modesto to the Public Employees' Retirement System, although designated as employee contributions, are being paid by the City of Modesto in lieu of contributions by the employees who are members of the Public Employees' Retirement System.
3. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Modesto to the PERS.
4. That the City of Modesto shall pay to the PERS the contributions designated as employee contributions from the same source of funds as used in paying salary.
5. That the amount of the contributions designated as employee contributions and paid by the City of Modesto to the PERS on behalf of an employee shall be that specific percentage prescribed of the entire contribution required of the employee by the Public Employees' Retirement Law (California Government Code Sections 20000, et. seq.) as may be determined from time to time by the City Council.
6. That the contribution designated as employee contribution made by the City of Modesto to the PERS shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by PERS.

The effective date of this Resolution shall be June 28,
1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-405

A RESOLUTION APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF MODESTO AND AVIS RENT-A-CAR SYSTEMS, INC., FOR A RENTAL CAR OPERATION AT THE CITY/COUNTY AIRPORT

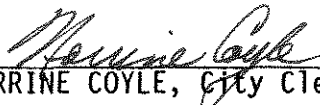
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the concession agreement between the City of Modesto and Avis Rent-A-Car Systems, Inc., for a rental car operation at the City/County Airport be, and it is hereby approved;

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 8th day of August, 1995, by Councilmember

Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-4106

A RESOLUTION APPROVING A CONCESSION AGREEMENT BETWEEN THE CITY OF MODESTO AND HERTZ CORPORATION, FOR A RENTAL CAR OPERATION AT THE CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the concession agreement between the City of Modesto and Hertz Corporation for a rental car operation at the City/County Airport 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 8th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95- 407

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CONNI-LYNNE YANDELL FROM THE HIGHWAY VILLAGE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, Conni-lynn Yandell has been a member of the Highway Village Neighborhood Advisory Committee, and has tendered her resignation from that Committee, effective August 8, 1995; and

WHEREAS, Conni-lynn Yandell 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 Conni-lynn Yandell from the Highway Village Neighborhood Advisory 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 Conni-lynn Yandell for 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 8th day of August, 1995, by Councilmember

Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95.408

CERTIFYING THE FINAL MASTER ENVIRONMENTAL
IMPACT REPORT FOR THE MODESTO URBAN AREA
GENERAL PLAN, ADOPTING FINDINGS SUPPORTING
REJECTION OF ALTERNATIVES, ADOPTING A
STATEMENT OF OVERRIDING CONSIDERATIONS,
AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the City of Modesto has prepared a Modesto
Urban Area General Plan to guide the growth of the City of
Modesto for thirty years and beyond, and

WHEREAS, prior to adopting the Modesto Urban Area
General Plan, the California Environmental Quality Act (CEQA)
requires that the City consider the environmental consequences of
the proposed project, and

WHEREAS, the preparation of the Master Environmental
Impact Report (MEIR) is to provide decision-makers and the public
with information concerning the individual and cumulative
environmental effects of the project, to indicate possible ways
to mitigate, reduce or avoid the environmental impacts, and to
identify alternatives to the project, and

WHEREAS, a Notice of Preparation (NOP) was circulated
in April of 1992, and

WHEREAS, pursuant to the California Environmental
Quality Act (CEQA) (Public Resources Code Section 21000 et seq.,
and the State CEQA Guidelines (14 California Code of Regulations
15000 et seq.), the City prepared a MEIR entitled "Draft
Environmental Impact Report for the City of Modesto, Modesto
Urban Area General Plan", and

WHEREAS, the Draft MEIR (DMEIR) (SCH No. 92052017) was
released for public review and comment for the required 45-day
period beginning on February 14, 1995, and

WHEREAS, in April 1995, the Planning Commission held a
series of public workshops to consider the proposed Modesto Urban
Area General Plan, the DMEIR and land use alternatives to the
proposed plan, and

WHEREAS, on May 15, 1995, the Planning Commission held
a public hearing to receive comments on the DMEIR and directed
the preparation of the Final MEIR (FMEIR) after the close of the
public review and comment period, and

WHEREAS, the FMEIR, in the form of Response to Comments incorporating all the comments received during the circulation and public hearing, was released for the required ten day period on May 26, 1995, and

WHEREAS, the Planning Commission held a public hearing on June 12, 1995, and considered the accuracy and adequacy of the Final MEIR, and

WHEREAS, the information contained in the FMEIR was reviewed and considered by the Planning Commission prior to taking action on the Modesto Urban Area General Plan, and

WHEREAS, the City Council held a public hearing on August 15, 1995, and considered the adequacy of the Final MEIR and the Mitigation Monitoring Program contained therein, the Findings Supporting Rejection of Alternatives and the Statement of Overriding Considerations, and

WHEREAS, the information contained in the FMEIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the City Council prior to taking action on the Modesto Urban Area General Plan,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Compliance with CEQA. The Final Master Environmental Impact Report for the Modesto Urban Area General Plan, attached hereto as Exhibit "A" and incorporated herein by this reference, was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

3. FMEIR Reviewed and Considered. The City Council certifies that the FMEIR has been completed in compliance with CEQA; that it has been presented to the Council and that the Council has reviewed and considered the information contained in the FMEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the Council. The FMEIR is a material part of this resolution.

4. Findings Regarding Significant But Mitigable Effects. Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the General Plan. As reported in the

Final MEIR for the project, the City Council hereby finds that with regard to the following effects, "changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment" (Section 21081(a)(1)). The City Council, exercising their own independent judgment, determines that such Findings are supported by substantial evidence in the record. Those effects addressed by this finding are:

Effect	Page in FMEIR
Increased Demand for Sanitary Sewers	IV-6-1
Loss of Sensitive Wildlife and Plant Habitat	IV-7-1
Disturbance of Archaeological or Historical Sites	IV-8-1
Drainage, Flooding, and Water Quality (except for Baseline Developed Area)	IV-9-1
Increased Demand for Storm Drainage (except for Baseline Developed Area)	IV-10-1
Increased Demand for Parks and Open Space	IV-11-1
Increased Demand for Schools	IV-12-1
Increased Demand for Police Services	IV-13-1
Increased Demand for Fire Services	IV-14-1
Generation of Solid Waste	IV-15-1
Generation of Hazardous Materials	IV-16-1
Landslides and Seismic Activity	IV-17-1
Energy	IV-18-1

In addition, the City Council hereby finds that there are no mitigation measures identified in the Final MEIR which are "within the responsibility of another public agency and have been, or can be and should be, adopted by that other agency." (Section 21081(a)(2)).

5. Findings Regarding Unavoidable Significant Impacts/ Statement of Overriding Considerations.

a. The Final Master EIR identified the following impacts as Significant and Unavoidable:

Effect	Page in FMEIR
Traffic and Circulation Needs	IV-1-1
Degradation of Air Quality	IV-2-1
Generation of Noise	IV-3-1
Loss of Productive Agricultural Land	IV-4-1
Increased Demand for Water Supplies	IV-5-1

Increased Demand for Storm Drainage, and
Drainage, Flooding and Water Quality
(in the Baseline Developed Area)

IV-9-1,
IV-10-1

b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project the City Council must make a statement, supported by findings, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts. The City Council has balanced the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

c. The City Council adopts the Statement of Overriding Considerations, attached hereto as Exhibit "B" and incorporated herein by this reference, which makes findings (Section A) for each significant adverse, and unavoidable impact identified in the FMEIR, and by finding that specific economic, social, or other considerations (Section B) make infeasible certain mitigation measures and project alternatives identified in the FMEIR.

6. Revised Mitigation Measures/Recirculation Findings. As a result of the public hearing process, certain modifications to the Project Description mitigation measures published in the Final MEIR were determined to be necessary, desirable and appropriate. All said revised mitigation measures, and the revised Project Description are identified in Exhibit "C" to this Resolution, and are hereby incorporated by this reference. Exhibit "C" also includes substantial evidence (required by Section 15088.5(e) of the CEQA Guidelines) supporting the City's decision not to recirculate the FMEIR.

7. Alternatives.

a. In accordance with CEQA and the State CEQA Guidelines, the FMEIR examined a range of reasonable alternatives to the Project which could feasibly attain the basic objectives of the Project and evaluated the comparative merits of the alternatives including the present General Plan, the Environmentally Superior Alternative, the General Plan Steering Committee generated Alternative, a variation of the General Plan Steering Committee Alternative, the Planning Commission Proposed Alternative, and the Adopted General Plan.

b. The City Council adopts the Findings Supporting Rejection of Alternatives, attached hereto as Exhibit "D" and incorporated herein by this reference, which makes findings for the approval of Adopted General Plan, and the rejection of each alternative analyzed in the FMEIR including the environmentally superior alternative. The City Council, exercising their own independent judgment, determines that such Findings are supported by substantial evidence in the record.

8. Mitigation Monitoring. Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit "E", is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented.

9. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.

10. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Master Environmental Impact Report for the Modesto Urban Area General Plan as accurate and adequate. The City Council further certifies that the FMEIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "B"

STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS
AND OVERRIDING CONSIDERATIONS

Based upon the objectives identified in the Modesto Urban Area General Plan and Master EIR and through the extensive public participation, the City Council has determined that the Modesto Urban Area General Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Modesto Urban Area General Plan are outweighed by the following specific economic, fiscal, social, environmental, land-use and other overriding considerations.

A. Findings Regarding Significant Unavoidable Impacts

Section 21081(a)(3) of the Public Resources Code requires the City to determine if any mitigation measures or project alternatives are infeasible, due to overriding considerations. Following are six of the Issue Areas, identified in the Final Master EIR, in which the mitigation measures have been judged to be infeasible. In other words, the General Plan will cause significant and unavoidable impacts on the following Issue areas:

1. Traffic and Circulation Needs.

Development resulting from the General Plan will add traffic which will cause service levels in some areas to operate at Level of Service (LOS) E or worse. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the increase in traffic congestion.

a. Finding #T-1

Changes affecting California's transportation systems have also hit fast and furious. Stricter environmental protection laws restrict land-intensive highway projects. Growth has dramatically altered traffic patterns throughout the state and diminished existing traffic corridors. Transit agencies hit with rising labor costs and expanding service areas have had a difficult time providing effective alternatives to the automobile. Intercity bus services have been reduced, resulting in the need for interregional transportation alternatives.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 1).

b. Finding #T-2

Population pressures and environmental concerns have been pushed to the forefront and a new transportation constituency is pressing for more rail, urban mass transportation and stricter regulations concerning air and water quality, and scenic and historic preservation. Transportation systems must now enhance the quality of life by protecting wildlife habitat and ensuring that water quality standards are met.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 1).

c. Finding #T-3

Changes in transportation funding trends also pose significant challenges. Traditionally, the per gallon tax on gasoline has been the major means in financing of transportation improvements. However, in recent years the state began financing the rail program (intercity, urban and commute) through general obligation bonds and many cities and counties have turned to use of bonds and local sales taxes for major transportation projects. With increased vehicle efficiency, the potential growth in use of alternative fuels, an emphasis on reducing single-occupant vehicles and on increasing the use of transit, funding for transportation will become less certain.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 1).

d. Finding #T-4

The transportation planning process needs to explicitly consider and analyze the human environment as a factor in transportation decisions. It must recognize the important role that transportation systems play in addressing social concerns such as access to affordable housing and jobs. It needs to further highlight the need to make transportation

planning consistent with land use plans and other plans developed to address other concerns, e.g., employment, energy, housing, community development, and the environment.

Substantial Evidence

1993 California Transportation Plan, published by the California Department of Transportation (page 25).

e. Finding #T-5

The needs and issues for highways, streets, and road facilities pertain to the improvement to, and the maintenance of, aging facilities. Highways are declining in condition, and at times, fail to meet current design standards.

Stanislaus County's steady growth rate has placed increasing demands on the regional network. As travel demand continues to rise, congestion on the current system increases and air quality is negatively impacted. As a result, it will be important to reduce the number of daily trips on the roadways as well as increase the capacity of various existing roadways and develop new facilities to relieve congestion and improve air quality.

While Stanislaus County has increased efforts to expand and implement alternative modes of transportation, the automobile continues to be the primary mode of transportation in the County. As development within Stanislaus County intensifies, and the impacts to the circulation system occur, appropriate mitigation measures become important considerations.

Substantial Evidence

1993 Regional Transportation Plan, published by the Stanislaus Area Association of Governments (page I-2).

f. Finding #T-6

Greater coordination and the integration of the various modes of freight transportation have become increasingly important in recent years. Limited resources and the intense pressure on existing transportation systems have caused rethinking and broad-based support for intermodal transportation systems. In order to allow goods movement to be more

efficient and maintain a reasonable highway level of service, a public/private cooperation between these modes is encouraged.

Substantial Evidence

1993 Regional Transportation Plan, published by the Stanislaus Area Association of Governments (page I-4).

g. Finding #T-7

At the present time, the City of Modesto's street and highway system accommodates over 95 percent of travel in the City (excluding pedestrian and bicycle travel, for which there are no current estimates). Because the street and highway system is expected to be the dominant form of transportation throughout the period covered by the General Plan, the environmental analysis focuses primarily on that system. Other forms of transportation, including local bus service, railroad freight and passenger service, air service, and improvements to bicycle and pedestrian circulation, will play useful roles in the movement of people and goods in the community.

Substantial Evidence

Final Master Environmental Impact Report, page IV-1-1.

h. Finding #T-8

Figure A displays the proposed Circulation System for the General Plan Update and conditions on key roadway segments with the General Plan. The model output indicates that approximately 93% of the circulation system will be congestion-free (LOS "D" or better). Figure B lists the "problem links," i.e. roadway segments that would exceed the LOS "D" threshold in this scenario. These links represent unavoidable significant impacts of the General Plan. Figure B also shows roadway type and width (i.e. number of lanes), and traffic conditions (LOS) for these links. Figure C highlights the links that would operate at LOS E or F in the year 2025.

Substantial Evidence

Final Master Environmental Impact Report, page IV-1-17.

i. Finding #T-9

The General Plan would intensify land development within the northern and western portions of the Planned Urbanizing Area. Consequently, the model output indicates that traffic congestion will be more prevalent within these areas, particularly along approach routes to key arterials and expressways, and SR 99.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-1-17.

j. Finding #T-10

McHenry Avenue (SR 108) is four lanes wide north of Needham Street, and would operate mostly at LOS "E" and "F" north of downtown with that alignment, since it would accommodate travel generated by new development to the north. However, it is planned to be widened eventually to six lanes, which would meet the LOS "D" performance standard south of Briggsmore Avenue. This widening will require some relatively time-consuming land condemnations and takings. Hence, conditions are expected to worsen to LOS "F" along some segments, before the widening is completed.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-1-17.

k. Conclusions: Traffic and Circulation Needs

The "E" and "F" Levels of Service presented in the Redevelopment Area (Figure A, Sheet 2 of 2) represent significant and unmitigable traffic impacts resulting from the promotion of nearly 54,000 employment opportunities and 2,300 residents in the central city area. The only remaining method of mitigation for these impacts is avoidance; in other words restrict development opportunities in the Redevelopment Area until Level of Service D or better is assured. The City rejects this approach as "infeasible" because it is not "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and

technological factors." [emphasis added to Section 15364, CEQA Guidelines]

The Redevelopment Plan, adopted in 1991, contains numerous goals and policy statements which would not be achieved without the promotion of significant employment opportunities.

Primary among these goals are the following:

- The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.
- The strengthening of retail and other commercial functions in the Project Area.
- The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.
- The expansion of the supply of housing for low- and moderate-income persons.

The "E" and "F" Levels of Service presented in the balance of the General Plan Area (Figure A, Sheet 1 of 2) can only be avoided if development opportunities are restricted to a level where Level of Service D or better can be assured. The City rejects this approach as "infeasible" because it is not "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." [emphasis added to Section 15364, CEQA Guidelines]

The following objectives would be severely compromised, if development levels were to be reduced to avoid Levels of Service below D. These objectives include:

- The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density.
- Future urban expansion for residential uses should be designed in the form of mixed-use developments, similar to Village One. These developments should contain housing, shops,

schools, parks and civic facilities essential to the daily life of the residents. This development should implement land use practices that assist in meeting State and Federal environmental regulations.

- Development in Modesto should strive for a local jobs/housing balance by facilitating business growth, and encouraging the economic revitalization of the downtown. Adequate land, strategically located to facilitate the expansion of Modesto's economic base, should be provided for the employment opportunities of Modesto's residents. These opportunities should be focused on the types of businesses that will thrive in the 21st Century.
- The Modesto Redevelopment Area will be the focal point of community life and the social, cultural, business, governmental, and entertainment center of the northern San Joaquin Valley.

2. Degradation of Air Quality.

Development resulting from the General Plan will result in generation of ozone precursors and dust during construction, and a net increase in emissions of organic ozone precursors and PM10 from area and mobile sources. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the degradation of air quality.

a. Finding #AQ-1

The San Joaquin Valley has a serious air pollution problem that will take the cooperation of land use and transportation planning agencies, transit operators, the development community, the District and the public to solve. The solution to the problem requires changes in the way we have traditionally built our communities and constructed the transportation systems. It involves a fundamental shift in priorities from emphasis on mobility for the occupants of private automobiles to a multi-modal system that more efficiently uses scarce resources. It requires a change in attitude from the public to support development patterns and transportation systems different from the status quo.

Substantial Evidence

Air Quality Guidelines for General Plan" published by the San Joaquin Valley Unified Air Pollution Control District; 1994 (page 10).

b. Finding #AQ-2

The San Joaquin Valley air basin is a "nonattainment" area for the federal and state ambient air quality standards for ozone and PM₁₀. The City of Modesto and other urbanizing areas (Fresno, Stockton, and Bakersfield) are also nonattainment areas for the federal standard for CO eight-hour, time-weighted average concentration. "Nonattainment" means that the federal and/or California ambient air quality standards concentration for a specified criterion air pollutant was exceeded at least once per year averaged over the last three years, and is a designation of a geographic area assigned by the U.S. EPA or CARB.

Substantial Evidence

California Air Resources Board and San Joaquin Valley Unified Air Pollution Control District, as quoted in the Final Master Environmental Impact Report (page IV-2-4).

c. Finding #AQ-3

Failure to reduce mobile source emissions will have a number of very significant costs. Of most importance is the impact on the health of people of the Valley. Without greater progress, too many people will continue to breath air that makes them ill and shortens their lives. Of great importance is the impact our economy will experience if we fail to comply with state and federal air quality mandates. The following chart illustrates the rationale for adopting air quality mitigation measures and General Plan Policies.

- The current air quality in the Valley adversely affects the health and welfare of the citizens of your community.
- If we are unsuccessful in implementing long-range programs to reduce emissions from mobile sources, job producing stationary sources must fill the gap.

- If Valley air quality programs apply inadequate effort toward attaining air quality standards, federal sanctions may be imposed that limit stationary source expansion and withhold highway funds.
- Local government's authority over land use decisions comes with the responsibility to minimize air quality impacts of new development.

Under the Federal Clean Air Act Amendments, the Environmental Protection Agency is required to impose automatic sanctions under the following conditions: State failure to submit a complete State Implementation Plan; EPA disapproval.

Substantial Evidence

"Air Quality Guidelines for General Plan," published by the San Joaquin Valley Unified Air Pollution Control District, 1994 (pages 3 and 4).

d. Finding #AQ-4

The significant unavoidable air quality impacts identified in the Final EIR would be cumulative and regional in nature. In other words, neither development under the General Plan nor the other alternatives would itself cause violations of regional ozone or PM₁₀ concentrations. Rather, development within the Modesto Urbanized Area would contribute to atmospheric loading of emissions from existing and future development in San Joaquin Valley as well as from emissions transported from adjacent air basins, and the condition caused by these overall emissions would continue to be characterized by occasional violations of the federal ozone and PM₁₀ standards through the rest of this century and more frequent violations of the state ozone and PM₁₀ standards for the foreseeable future.

Substantial Evidence

Final Master Environmental Impact Report, page IV-2-14

e. Finding #AQ-5

Implementation of the General Plan would involve subsequent projects, in addition to the development of the land uses designated in the General Plan, that could result in impacts to air quality. These projects would include, among other actions, construction of

roadways or roadway widening, installation of new infrastructure (e.g. water and sewer lines), and construction of new public facilities. The types of impacts that these subsequent projects would have on air quality include generation of ozone precursors and dust during construction, and increases in emissions of ozone precursors and PM₁₀ during operation.

Substantial Evidence

Final Master Environmental Impact Report, page IV-2-13

f. Finding #AQ-6

Local air quality impacts related to construction activities can be mitigated to a less-than-significant level, provided that specific dust abatement measures are followed and provided that heavy construction equipment is well-maintained. Local CO hot spots can be mitigated to a less-than-significant level provided that traffic mitigation measures (e.g. efficient signalization and dedicated turn lanes) are implemented to avoid LOS F conditions at intersections that handle large volumes of traffic. Potential local toxic air contaminants (TACs) and odor impacts can also be mitigated. Emissions controls on sources of TACs and odors occur through permit conditions enforced by the San Joaquin Valley Unified Air Pollution Control District, but site design and appropriate buffering are two measures that could be implemented by the City to further reduce the potential for significant local impacts.

Substantial Evidence

Final Master Environmental Impact Report, page IV-2-13

g. Finding #AQ-7

Land uses that enable people to walk or to use transit, rather than needing to rely primarily on their cars for mobility, tend to be better for air quality.

A study of public transit use conducted in Washington, D.C., identified key land use programs for making the best use of a transit system:

- Promote land uses that generate the most transit trips near stations.
- Locate these uses in close proximity to transit station entrances.

- Provide high density land development around stations, including suburban locations.

Substantial Evidence

The Land Use - Air Quality Linkage," published by the California Air Resources Board, 1994 (page 2).

h. Finding #AQ-8

The General Plan incorporates land use patterns that have the potential to minimize the number of vehicle miles traveled and the current level of dependency on single-occupancy vehicles for travel. The Village Residential (VR) land use concept essentially promotes pedestrian access to commercial and work places in the Village Center from residential neighborhoods surrounding the center.

Substantial Evidence

"Modesto Urban Area General Plan", page III-10

i. Finding #AQ-9

The following strategies have been incorporated as policies into the General Plan to promote land use patterns which lessen dependency on the private automobile.

- Communities or neighborhoods should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- As many activities as possible should be located within easy walking distance of transit stops.
- Businesses within a community or neighborhood should provide a range of job types for the community's or neighborhood's residents.
- The location and character of the community or neighborhood should be consistent with a larger transit network.
- Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed

traffic. Wherever possible, natural terrain, drainage, and vegetation should be preserved with superior examples contained within parks or greenbelts.

However, there is no empirical data readily available from the State Air Resources Board, or the San Joaquin Valley Unified Air Pollution Control District, which can quantify the contribution of these strategies to improved air quality.

Substantial Evidence

General Plan, page III-10.

j. Finding #AQ-10

For the Modesto Urban Area to actively compete for this economic development, range of housing opportunities, job creation and adequate open space areas, it must develop an infrastructure network which will attract new industry to the area. Such an objective can only be accomplished through long-range planning. The long-range planning included in the Modesto Urban Area General Plan and its supporting documentation is the best method available to enable the City to participate in this economic development and diversification. All these factors will, taken together, help the City realize the very substantial job creation, range of housing opportunities and economic development potential of the Modesto Urban Area.

Substantial Evidence

"Recommended Modesto Economic Development Strategy," prepared by Kreines & Kreines.

"A Strategic Planning Approach for a County in Change."

k. Conclusions: Degradation of Air Quality

The only means available to fully Mitigate Air Quality Impacts would be to avoid the impacts altogether; that is, to restrict future development in the Modesto Urban Area until Air Quality standards were achieved, in the San Joaquin Valley Air Basin. Under this scenario, Business Park land would not be added to the General Plan, nor would additional residential areas be added. This scenario is hereby rejected by the City Council as infeasible, based on the reasoning which follows.

If additional Business Park land is not added to the General Plan, the following Project Objectives underlying the General Plan would not be achieved:

- Development in Modesto should strive for a local jobs/housing balance by facilitating business growth, and encouraging the economic revitalization of the downtown. Adequate land, strategically located to facilitate the expansion of Modesto's economic base, should be provided for the employment opportunities of Modesto residents. These opportunities should be focused on the types of business that will thrive in the 21st Century.
 - The Modesto Urban Area General Plan addresses the collective challenges of the future. The Urban Area General Plan presents a blueprint for the preservation of Modesto's "quality of life" while providing direction for the growth of business and industry to meet the needs of the future generations in the Modesto community.
 - A guiding force in this General Plan is economic development to provide jobs to match population growth. This General Plan provides for a total of 3,600 acres of new Business Park and 1,300 acres of Commercial land uses. Through these new land uses, along with miscellaneous support commercial land uses in future residential areas, opportunities for land use supporting approximately 227,000 new jobs are created in this General Plan.
4. The Land Use Diagram presented in Chapter III provides adequate land and opportunities to expand and diversify Modesto's economic base to provide for future employment needs through establishment of business park areas. These opportunities should be focused on the types of businesses that will thrive in the 21st century. Simultaneous with this diversification of the economic base, Modesto's current agricultural and industrial bases shall be preserved for as long as possible.

If additional residential areas are not added to the General Plan, the following Project Objectives would not be achieved:

- The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

- Work to supply housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families with five or more persons).
- Work to supply entry level housing as well as "step-up" housing.
- Promote equal opportunity for all residents to reside in the housing of their choice.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

The employment opportunities (i.e. Future Business Parks in the Beckwith/Dakota, College West, Highway 132, Kiernan/Carver, Kiernan/McHenry, Roselle/Claribel, Stoddard and Village One Comprehensive Planning Districts), may reduce air quality impacts by allowing Modesto residents to work locally, thereby avoiding longer commutes into San Joaquin, Merced, and Alameda Counties. However, the addition of Business Park properties into the General Plan may attract employees from outside Stanislaus County, thereby increasing out - commutes from other Counties, with corresponding increases in air quality impacts. Nevertheless, the need for additional employment opportunities is well documented in the record.

Statistical analysis and data prepared by the State of California and the Stanislaus County Economic Development Corporation indicate that this diversion of employment-generating opportunities and economic growth away from the County substantially contributes to the comparatively high unemployment rates consistently burdening the County. The County has consistently had unemployment rates that are among the highest in the State, well above the unemployment rates of the State average. Regional seasonal unemployment rates have varied from 12.1% to 18.3% in the years 1983 to 1991.

3. Generation of Noise.

Development associated with the General Plan will result in increased noise levels in the vicinity of construction sites; increased noise along the existing and proposed City roadway network; localized impacts from new stationary noise sources; and introduction of new land uses into a high-noise environment. Introduction of jet service will result in noise impacts to surrounding areas. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the increase in noise levels.

a. Finding #N-1

Noise impacts are considered significant when the predicted sound level at a site is in excess of 60 Ldn for residential land use. For other land use, the applicable criteria, as recommended by the State of California Office of Noise Control are: 70 Ldn for schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and office buildings, business commercial and professional; and 75 Ldn for sports arenas, golf courses, riding stables, water recreation, cemeteries, and industrial manufacturing, utilities and agriculture.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-3-9.

b. Finding #N-2

The U.S. Department of Housing and Urban Development (HUD) has established noise thresholds for residential projects undertaken using federal funds. Noise levels for HUD-sponsored projects fall into three categories: "acceptable," "normally unacceptable," and "unacceptable." Any exterior noise level below 65 Ldn is acceptable, and no additional noise attenuation is needed. Projects with exterior noise levels between 65 and 75 Ldn are normally unacceptable; an additional 5 dB of noise reduction is required for levels below 70 Ldn, and an additional 10 dB is required for levels above 70 Ldn. HUD judges projects in areas with noise levels above 75 Ldn on a case-by-case basis.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-3-7.

c. Finding #N-3

Over the long term, development under the General Plan would affect ambient noise levels primarily through generating additional motor vehicle traffic, and therefore, the areas that would be most affected would be areas along the road network. Traffic noise impacts would be most substantial along roadways that would be widened or upgraded (e.g. from major arterial to expressway) since the greatest increase in traffic volumes would be expected on such roadways. In addition, individual industrial and commercial developments could generate localized noise impacts from stationary noise sources (e.g. cooling towers, fans, refrigeration units, truck loading/unloading areas) depending upon the particular nature and conduct of these businesses.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-3-11.

d. Finding #N-4

Ultimately, the noise impact can be characterized as increased incompatibility of land uses with their ambient noise environment. For existing uses, this impact is described in terms of substantial increases over existing noise levels where the ensuing noise level would approach or exceed "normally unacceptable" noise levels for the given land use. For future noise land uses, this impact is described as the introduction of uses into an ambient noise environment that is considered "normally unacceptable" for that use.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-3-11.

e. Finding #N-5

Residential land use is located a short distance northwest of the Modesto City-County Airport, which is in the primary take-off direction. The future noise impacts attributable to the airport would depend on the aircraft mix which is used. The noise level impact would be significant and unavoidable with the implementation of jet Air Carrier service as shown in the Draft Environmental Impact Report/Environmental

Assessment for the Airport Master Plan (P&D Technologies, 1992).

Substantial Evidence

Final Master Environmental Impact Report,
page IV-3-11.

f. Finding #N-6

The Final Environmental Impact Report for the Master Plan of the Modesto City-County Airport concluded that:

"The most significant impact would result from the initial implementation of jet Air Carrier service due to the likelihood of the initial use of noisier Stage 2 aircraft. The impacts are reduced over time as the requirements of the Airport Noise and Capacity Act of 1990 come into being requiring the phase out of Stage 2 aircraft and the utilization of quiet-technology Stage 3 aircraft. Even with the phase out of the Stage 2 fleet, impacts to the airport environs are still significant."

"Even if jet Air Carrier service is not implemented, upwards of 350 dwelling units could be impacted. This number may lessen over time as the area in which most potentially impacted homes are located is designated to transition to compatible industrial uses." (p. II-3)

g. Conclusions: Generation of Noise

The only means available to fully mitigate noise impacts anticipated from the Modesto City-County Airport would be to "avoid" (prohibit) jet Air Carrier Service. This action would be infeasible because it would conflict with the Project Objectives of the Airport Master Plan, which are:

"The primary objective of the proposed master plan project is to provide upgraded aviation facilities at Modesto City-County Airport in order to reasonably accommodate anticipated increases in aviation demand, improve the Airport's operational efficiency and enhance safety. Other objectives include the use and reuse of currently vacant and underdeveloped Airport properties to provide for an economic return to the Airport, and an evaluation of potential new scheduled air carrier

service to supplement existing services provided by commuter airlines." (page I-5)

Although substantial mitigation measures (soundwalls, buffers, etc.) have been applied to the General Plan, subsequent new development in the Planned Urbanizing Area and the Redevelopment Area, as well as increased traffic throughout the Baseline Developed Area will increase ambient noise levels over the present community levels. The only mitigation technique available would be avoidance (e.g. restrict new development in the General Plan Area). The City Council rejects this mitigation technique as infeasible because 1) Future development in the Baseline Developed Area would occur through implementation of existing zoning, and the City does not believe it appropriate to "down zone" existing properties. 2) Future employment opportunities are promoted in the Planned Urbanizing Area and Redevelopment Area. The City Council does not wish to unduly constrain the accommodation of these employment opportunities.

4. Loss of Productive Agricultural Land.

Development in the Planned Urbanizing Area, associated with the General Plan, will result in the displacement of approximately 26,000 acres of potential agricultural land. Following are overriding findings associated with expected unmitigable impacts to the productive agricultural land.

a. Finding #AG-1

Agriculture is the leading industry in Stanislaus County. According to the Stanislaus County Agricultural Element, in 1990, gross agricultural income in Stanislaus County totalled \$1,038,356,000. When multiplied by its effect on food processing, marketing and related services, agriculture contributed well over \$3.25 billion in 1990 to the local economy. Consistently ranking among the top ten agricultural counties in California and currently seventh in the nation, Stanislaus County agriculture also is important to the state and national economies.

Substantial Evidence

"Agricultural Element to the Stanislaus County General Plan". (page vii)

b. Finding #AG-2

Agriculture in Stanislaus County is characterized by a broad diversity of commodities, including many

specialty crops that are grown almost exclusively in this area. The ten leading commodities for 1990 in Stanislaus County were milk, chickens, almonds, cattle and calves, eggs, tomatoes, turkeys, walnuts, peaches and grapes. Six of those products are grown almost exclusively in California, with Stanislaus County contributing a significant percentage of the state's overall production. The County ranked first in California in 1990 production of casaba, crenshaw and honeydew melons, apricots and dry beans, and the Stanislaus County almond crop ranked as the second largest in the state.

The initial value of farm production has a ripple, or multiplier, effect in the economy by generating related activities such as food processing, retail and wholesale trade, and transportation. The multiplier effects for the County's leading commodities in 1990 ranged from 1.8 for cattle and calves to 10.8 for tomatoes. The overall multiplier effect for the County is 3.2 for a total economic impact of \$3,322,739,200.

Substantial Evidence

"Agricultural Element to the Stanislaus County General Plan". (page 3)

c. Finding #AG-3

The General Plan provides numerous potential mitigation measures with regard to the preservation of agriculture, as well as the transition out of agriculture. These mitigation measures include the preservation of open space in which agriculture can and is encouraged to continue, the use of buffer zones, the addition of a "right to farm" ordinance and other programs which will mitigate to the maximum extent possible any negative impacts on agriculture and agricultural conversion.

Substantial Evidence

"Modesto Urban Area General Plan": page VII-6.

d. Conclusion: Loss of Productive Agricultural Land

The following mitigation measure was printed into the Final Environmental Impact Report but is hereby rejected because it is judged to be infeasible, by the City Council. Therefore, this mitigation measure will

not be incorporated into the General Plan as a policy. The rejected mitigation measure is as follows:

"If a subsequent project (Comprehensive Plan) is in any of the Comprehensive Planning Districts identified on the General Plan Land Use Diagram, the City shall consider requiring the project proponent to contribute toward a City-established fee for the purchase of conservation easements on existing farmland. The fee structure shall take into account the relative importance of various classifications of farmland. The goal of the fee shall be based on a reasonable nexus between the farmland lost and the easements purchased (e.g. conservation of at least one acre of prime farmland for every acre converted.)"

According to Section 15364 of the CEQA Guidelines, "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."

The City Council considers the above-mitigation measure to be infeasible because the conservation easements to be purchased through development projects, would have to be applied to development outside the Planned Urbanizing Area. In other words, it would be self-defeating to conserve existing farmland within the Planned Urbanizing Area, because that farmland would eventually need to be displaced by future urban uses.

Therefore, the conservation easements proposed to be applied to existing farmland must occur on property outside the General Plan boundary, presumably in the County of Stanislaus. However, to date, the County (1,520 square miles) has chosen not to establish such a conservation easement program. Because the Planned Urbanizing Area's agricultural resources (approximately 26,000 acres) are significantly smaller than the County's land area, the City Council believes it to be unlikely that the Conservation Easement process described above would be successful, absent significant County involvement, and the involvement of the other 8 Cities in Stanislaus County.

Having carefully considered the above noted facts and in undertaking the Modesto Urban Area General Plan, the City Council recognizes that a substantial amount of agricultural land in the Planning Area will, as development occurs, be converted into non-agricultural land uses. The loss of agricultural land is a

significant adverse impact of the Modesto Urban Area General Plan which, although mitigated, cannot be totally eliminated. Therefore, the only remaining method of mitigation for these impacts is avoidance; in other words, restrict development in the Planned Urbanizing Area to agricultural uses. This mitigation measure is rejected by the City Council, as infeasible, for the reasons stated above.

5. Increased Demand for Water Supplies.

Development resulting from the General Plan will exceed the available potable water supply and will require additional distribution pipeline facilities and reservoirs to meet the needs of the anticipated population to be accommodated by this General Plan. Following are the facts, statements, and analysis associated with expected unmitigable impacts of the exceedence of available water supplies.

a. Finding #W-1

All municipal and most industrial water service in the Modesto urban area is provided by the City of Modesto. The City water system contains over 500 miles of distribution lines. The City currently tries to maintain a service standard of approximately one groundwater well per square mile of developed area. Modesto uses granular activated charcoal filters at selected well sites to treat impurities in the water supply.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-5-1.

b. Finding #W-2

The City has historically received its potable non-irrigation water supply entirely from groundwater wells. Since January 1995, the City has received surface water from the Modesto Regional Water Treatment Plant, located at the Modesto Reservoir.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-5-1.

c. Finding #W-3

The Modesto-Ceres Water Management Study (1984) concluded that the aquifers underlying the City are in a state of overdraft due to extensive groundwater pumping in the Modesto area. In an effort to alleviate overdraft conditions, the City and the Del Este Water Company, in a partnership with the Modesto Irrigation District (MID), have constructed a surface water treatment facility at the Modesto Reservoir that provides up to 30 million gallons per day (MGD) (33,600 acre-feet per year) of surface water to supply the City. The facility, completed in 1994, can be expanded to provide a total of 60 million gallons per day (67,200 acre-feet per year).

Substantial Evidence

Final Master Environmental Impact Report,
page IV-5-2.

d. Finding #W-4

The surface and groundwater supplies are expected to serve up to a population of approximately 290,000 persons. At this time, water rights are not available for expansion beyond 60 million gallons per day. The average City water usage per day is 44 MGD. However, the peak demand in summer of 1994 was 72 MGD. The City will continue to rely on groundwater for approximately half of its supply.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-5-2.

e. Finding #W-5

The City can obtain 40,000 acre feet per year from groundwater without creating overdraft and associated problems. The City is proposing to provide tertiary treatment of its sanitary sewer effluent for 30,000 acre feet per year. This water will be available for supplementing potable water supplies as it will be allowed to percolate into the groundwater. The City will continue to construct wells in suitable locations for use in meeting peak demands and during drought periods, as specified in the mitigation monitoring plan of the Domestic Water Project Environmental Impact Report.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-5-2.

f. Finding #W-6

The General Plan would result in a population of nearly 500,000 which would utilize an estimated 154 million gallons of potable water per day (172,200 acre-feet per year). This exceeds the available potable supply of 89 million gallons per day (100,000 acre-feet per year). Since the water needed to provide approximately 65 million gallons per day (72,200 acre-feet per year) of potable water supplies annually is not yet available, this impact cannot be mitigated. However, implementation of water conservation techniques would partially mitigate project impacts.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-5-6.

g. Conclusions: Increased Demand for Water Supplies

Although substantial mitigation measures (water conservation, etc.) have been applied to the General Plan, subsequent new development in the Planned Urbanizing Area and the Redevelopment Area, as well as infill development throughout the Baseline Developed Area will increase the demand for a long-term water supply. The only mitigation technique available would be avoidance. In other words, the City would restrict planning for development in the General Plan Area to a level supportable by only those water supplies known to be available at the present time.

The City Council rejects this mitigation technique as infeasible because 1) Future infill development in the Baseline Developed Area would occur through implementation of existing zoning, and the City does not believe it appropriate to "down zone" existing properties. 2) Future employment opportunities are promoted in the Planned Urbanizing Area and Redevelopment Area. The City Council does not wish to unduly constrain the accommodation of these employment opportunities.

6. Increased Demand for Storm Drainage (Drainage Flooding and Water Quality).

Development resulting from the General Plan will add impervious surfaces which will create additional runoff requiring new and expanded storm drainage systems. Significant unavoidable adverse impacts are associated with area draining into the existing rock well system which is used to provide for storm water drainage in the Baseline Developed Area. Following are the facts, statements, and analysis associated with expected unmitigable impacts of drainage in the Baseline Developed Area.

a. Finding #SD-1

The City owns and operates the storm drainage system within the City limits. The City generally provides upgrades to storm drainage capacity on an as-needed basis. However, new design standards which minimize impacts to the existing storm drainage capacity will be required on future development projects. The positive drain designs, which incorporate storm water detention ponds and "meter out" storm water into drainage facilities, will first be implemented in the proposed Village One area.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-10-1.

b. Finding #SD-2

Much of the existing storm drainage system is 50 to 100 years old. Approximately 2/3 of the City is drained via "rock well" system whereby storm waters are diverted to deep gravel-filled wells. Other drainage in the City is diverted to the City's main drainages, the Tuolumne River and Dry Creek.

Substantial Evidence

Survey of Environmental Conditions and Resources for the City of Modesto General Plan Update (December 1992) (page 2,4-3).

c. Finding #SD-3

The 9th Street storm drain line has been identified as a problem area in need of major improvements. In addition to this mainline, other general improvements and upgrades to collector lines are needed. The City

utilizes the Modesto Irrigation District (MID) and Turlock Irrigation District (TID) canal for the disposal of stormwater. However, the TID district's canal and drainage system has a limited capacity.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-10-1.

d. Finding #SD-4

The proposed General Plan would involve the construction of development to accommodate approximately 466,000 people. The impervious surfaces created by the additional development would create additional runoff, which would require drainage systems. The rock wells are incapable of handling existing runoff in the Baseline Developed Area. Since existing drains are inadequate and there are no drains in undeveloped areas, this impact is significant. Therefore, further development in the Baseline Developed Area will incrementally worsen an impact that is already unmitigable.

Substantial Evidence

Final Master Environmental Impact Report,
page IV-10-5.

e. Finding #SD-5

Within the Planned Urbanizing Area, the General Plan would increase demand for new positive storm drainage systems. Because development in the Planned Urbanizing Area is required to develop new positive storm drainage facilities, the storm drainage impacts for this area are mitigated.

Substantial Evidence

Final Master Environmental Impact, page IV-10-6.

f. Conclusions: Increased Demand For Storm Drainage

The only means available to fully mitigate storm drainage impacts in the Baseline Developed Area would be to abandon the "rockwell system" with this area, and retrofit a positive storm drainage system throughout the Baseline Developed Area. Positive storm drainage systems already are in place for recently developed areas (examples; Dry Creek; northeast of the

intersection of Oakdale and Briggsmore). However, retrofitting the entire Baseline Developed Area would not be feasible ("capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.")

This cost has been estimated to be approximately \$500 million. Given that at most 30,000 additional dwelling units could theoretically be placed within the Baseline Developed Area, the City Council does not believe it is economically feasible to retrofit a positive storm drainage system into the Baseline Developed Area in the foreseeable future.

B. Overriding Considerations

1. Economic Considerations.

a. Finding #1

Substantial evidence is included in the record demonstrating the economic benefits which the City would derive from the implementation of the Modesto Urban Area General Plan. Historically, in the past two decades, it is well documented in numerous reports that there has been very substantial population growth and economic development throughout the Stanislaus County region.

Substantial Evidence

"Demographic and Economic Profile of Stanislaus County", prepared by the Stanislaus County Economic Development Corporation, dated 1993.

"Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3", published by the California Department of Finance.

b. Finding #2

Statistical analysis and data prepared by the State of California and the Stanislaus County Economic Development Corporation indicate that diversion of employment-generating opportunities and economic growth away from the County substantially contributes to the comparatively high unemployment rates consistently burdening the County. The County has consistently had unemployment rates that are among the highest in the State, well above the unemployment rates of the State average. Regional seasonal unemployment rates have varied from 12.1% to 18.3% in the years 1983 to 1991.

Substantial Evidence

"Demographic and Economic Profile of Stanislaus County", prepared by the Stanislaus County Economic Development Corporation, dated 1993. (page 66)

"Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3", published by the California Department of Finance.

c. Finding #3

Stanislaus County is primarily dependent on agriculture and related services. There is a need for land suitable for industry and manufacturing. The Modesto Urban Area is ideally suited for such opportunities, located at State Highways 99 and 132.

Substantial Evidence

"Recommended Modesto Economic Development Strategy", prepared by Kreines and Kreines.

"A Strategic Planning Approach for a County in Change." (Stanislaus County's economic development strategy, prepared by Kreines and Kreines, (1988))

d. Finding #4

The Modesto Urban Area General Plan and environmental documentation indicate that employment opportunities would be substantially increased by the implementation of the Modesto Urban Area General Plan, which will lead to economic diversification and job generation. Increased employment opportunities arising from the implementation of the Modesto Urban Area General Plan will become an increasingly beneficial impact with the passage of time.

Substantial Evidence

"Final Master Environmental Impact Report": (SCH #92052017), page I-30.

"Modesto Urban Area General Plan": Exhibit III-1.

e. Finding #5

The projections of the California Department of Finance indicate that the population of the region will grow faster than the State average in percentage terms. In absolute terms, Stanislaus County is projected to be one of the fastest growing counties in the State.

Substantial Evidence

"Projected Total Population of California Counties: 1990-2040", published by the California Department of Finance. (page 9)

f. Finding #6

For the Modesto Urban Area to actively compete for this economic development, range of housing opportunities, job creation and adequate open space areas, it must develop an infrastructure network which will attract new industry to the area. Such an objective can only be accomplished through long range planning. The long range planning included in the Modesto Urban Area General Plan and its supporting documentation is the best method available to enable the City to participate in this economic development and diversification. All these factors will, taken together, help the City realize the very substantial job creation, range of housing opportunities and economic development potential of the Modesto Urban Area.

Substantial Evidence

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines. (1992)

"A Strategic Planning Approach for a County in Change." (Stanislaus County's Economic Strategy, prepared by Kreines and Kreines, 1988).

2. Social Impacts.

a. Finding #7

Stanislaus County has been enormously dependent on agriculture, making it in many respects a single industry county. As recognized in the Agricultural Element to Stanislaus County's General Plan, agriculture is a traditional land use in the Modesto Urban Area, outside the present City limits. Agriculture can continue commercially as long as areas are not subdivided into smaller parcels, as smaller parcels are inefficient and not competitive. Additionally, parcelization leads to further pressure to sell or subdivide. Agricultural uses should be allowed and encouraged to continue - the land use map responds to this through its land use designations. These policies and actions support the spatial arrangement of land use, as well as address the rehabilitative efforts required when agricultural uses are abandoned.

Substantial Evidence

"Agricultural Element to Stanislaus County's General Plan."

"Modesto Urban Area General Plan", Section VII-D, Chapter VII.

b. Finding #8

In addition, greater opportunities for expansion of schools, including higher education can be achieved with the Modesto Urban Area General Plan. The provision of additional educational opportunities is a positive benefit to the entire region.

Substantial Evidence

Letter dated June 19, 1995 from the Modesto Area School Districts. (Attachment)

c. Finding #9

The ability to provide and maintain additional park and recreational facilities for residents of all ages will also occur with implementation of the policies in the Modesto Urban Area General Plan including regional trails linking urban and open space uses.

Substantial Evidence

"Modesto Urban Area General Plan": Section V-G, Chapter V.

3. Job Creation.

a. Finding #10

The loss of jobs and failure to create new employment opportunities has led to continued unemployment in the Modesto Urban Area. It is one of the basic objectives of the Modesto Urban Area General Plan to promote greater job generation, economic diversification, and a viable jobs/housing balance.

Substantial Evidence

"Modesto Urban Area General Plan": pages I-5, I-6.

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines.

b. Finding #11

The Modesto Urban Area General Plan sets the stage for and emphasizes the need for job creation and economic diversification for the Modesto Urban Area. The objectives of the City are to generate a community with a very favorable jobs/housing balance, to promote economic diversification throughout the Area.

Substantial Evidence

"Modesto Urban Area General Plan": pages I-5, I-6.

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines.

c. Finding #12

In view of increasing traffic constraints and air quality constraints in the region and the need to promote a fully integrated community in which jobs and housing are carefully balanced, it is critical to strive for substantial employment opportunities. These strategies support the goal of the San Joaquin Valley Unified Air Pollution Control District to reduce long commutes to assist in meeting air quality standards.

Substantial Evidence

"Air Quality Guidelines for General Plans", published by the San Joaquin Valley Unified Air Pollution Control District, Goal 7, page A-7.

"Modesto Urban Area General Plan": Figure III-1.

4. Provision of Affordable Housing.

a. Finding #13

If additional residential areas are not added to the General Plan, the following Project Objectives would not be achieved:

- The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- Work to supply housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families with five or more persons).

- Work to supply entry level housing as well as "step-up" housing.
- Promote equal opportunity for all residents to reside in the housing of their choice.
- Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.

Substantial Evidence

Modesto Urban Area General Plan, June 1995, page I-6.
Final Master Environmental Impact Report, May, 1995,
 page I-4, I-5.

b. Finding #14

The Housing Element, which was approved by the State Department of Housing and Community Development, calls for a commitment for substantial new housing in the Modesto Urban Area.

Substantial Evidence

"1992 Housing Element to Modesto Urban Area General Plan".

Letter dated April 7, 1995 from the California Department of Housing and Community Development which authorizes incorporation of the 1992 Housing Element into the 1995 General Plan.

Section IV-E in 1995 General Plan.

c. Finding #15

The Land Use Diagram (Figure III-1) of the Modesto Urban Area General Plan contains sufficient additional residential land to assure that availability is not a constraint.

Substantial Evidence

"Modesto Urban Area General Plan": Figure III-1.

d. Finding #16

The Modesto Urban Area General Plan contains sufficient goals, policies, actions and mitigation measures to provide adequate public facilities to serve expanded residential land.

Substantial Evidence

"Modesto Urban Area General Plan": Chap V.

C. CONCLUSION

In conclusion, the City Council has determined that any remaining significant effects on the environment attributable to the Modesto Urban Area General Plan which are found to be unavoidable, irreversible or not substantially mitigated are acceptable due to the overriding consideration set forth in this Statement of Overriding Considerations. The City Council has concluded that with all the environmental trade-offs of the Modesto Urban Area General Plan taken into account, its implementation will represent a net positive impact on the City and County. This conclusion is based upon multiple considerations, comprehensive analysis, and careful consideration of public input received during the formation and adoption process.

D. LIST OF SUPPORTING DOCUMENTS

The following is a list of the documents which are cited in this document:

Reference
Letter

Document Author and Title

- A. Entin, Ken; Demographic and Economic Profile of Stanislaus County, Stanislaus County Economic Development Corporation, July, 1993, Modesto, California.
- B. Department of Finance, Projected Total Population of California Counties, Report 93 P-3, State of California Department of Finance, May, 1993, Sacramento, California.
- C. Kreines & Kreines, Recommended Modesto Economic Development Strategy, City of Modesto, December, 1992, Modesto, California.
- D. Kreines & Kreines, QED Research Inc., A Strategic Planning Approach for A County in Change, Population and Economic Forecasts 1988-2010, County of Stanislaus, June 1988, Modesto, California.
- E. Community Development Department, Final Master Environmental Impact Report for the Urban Area General Plan, City of Modesto, May, 1995, Modesto, California.
- F. Community Development Department, Modesto Urban Area General Plan, City of Modesto, June, 1995, Modesto, California.
- G. County of Stanislaus Department of Planning and Community Development, Agricultural Element, Stanislaus County General Plan, Stanislaus County, April, 1992, Modesto, California.

- H. Modesto Area Schools Districts Letter dated June 19, 1995.
- I. San Joaquin Valley Unified Air Pollution Control District, Air Quality Guidelines for General Plans, October, 1994, Fresno, California.
- J. Planning and Community Development Department, Modesto Urban Area Housing Element and Technical Appendix, City of Modesto, May, 1992, Modesto, California.
- K. State of California Department of Housing and Community Development Letter dated April 7, 1995.
- L. Department of Transportation, 1993 California Transportation Plan, Final Draft, State of California, March 1994, Sacramento, California.
- M. Stanislaus Area Association of Governments, Regional Transportation Plan, January, 1994, Modesto, California.
- N. Burns & Watery, Inc., Williams-Kuebelbeck & Associates, Report to the Modesto City Council, Proposed Amended Redevelopment for the Modesto Redevelopment Project Chapters I-XVI, City of Modesto Redevelopment Agency, August, 1991, Modesto, California.
- O. Air Resources Board, The Land Use-Air Quality Linkage, How Land Use and Transportation Affect Air Quality, State of California, 1994, Sacramento, California.
- P. State Resources Agency, State of California Public Resources Code, Chapter 4.5 Section 21156 et. seq. Streamlined Environmental Review, State of California, 1995, Sacramento, California.
- Q. CERTIFIED Earth Metrics, Survey of Environmental Conditions and Resources for the City of Modesto General Plan Update, City of Modesto, December, 1992, Modesto, California.
- R. P&D Technologies, Final Environmental Impact Report/Environmental Assessment for Modesto City-County Airport Master Plan Report SCH No. 90020512, City of Modesto, March, 1993, Modesto, California.
- S. Memo from City Public Works and Transportation Director Marshall Elizer, dated August 14, 1995. Subject: Rough Cost Estimate to Retrofit Rockwell Areas with Positive Storm Drains.

Exhibit A

City of Modesto

Final Master Environmental Impact Report for the Urban Area General Plan

State Clearinghouse No. 92052017
May, 1995

EXHIBIT "A" IS ON FILE IN THE OFFICE OF THE CITY CLERK
SEE CITY COUNCIL RESOLUTION NO. 95-408.

City Clerk

CITY OF MODESTO

M E M O R A N D U M

August 7, 1995

TO: Mayor and Council Members
FROM: Philip A. Testa, Community Development Director
SUBJECT: Adoption of the General Plan



Attached is the Staff Report for the General Plan, without attachments. This same report was transmitted to you in a binder (with five attachments) at the August 1 Workshop.

To complete the record, a number of documents are on file with the City Clerk. All of these documents provide background information for the policy documents (namely the General Plan and the Final EIR) presented to the Council previously. No new policy directions are presented in these background documents, which are as follows:

1. Appendix to the General Plan

The only General Plan appendix is the 1992 Housing Element, along with its Technical Appendix. This background document was included for historical reference, to aid the State's review of the new Housing Element (Chapter IV).

2. Appendix to the Master EIR

This background document includes a number of Technical Reports (Traffic, Air Quality, etc.) all of which are listed on page (ii) of the Final EIR, and summarized in the EIR text.

3. Support Documents for the Statement of Overriding Considerations

There are 19 background documents which comprise the "substantial evidence" for the conclusions reached in the Statement of Overriding considerations.

We look forward to the successful conclusion of the General Plan hearing on August 15, 1995. If you have any questions prior to the hearing, please feel free to contact Brian Smith at 577-5276, or me at 577-5218.



July 27, 1995

TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Adoption of the General Plan

RECOMMENDED COUNCIL ACTION:

1. Adopt a Resolution, Attachment 3, certifying the Master Environmental Impact Report, adopting findings supporting rejection of alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring Program.
2. Adopt a Resolution, Attachment 5, adopting the General Plan.

BACKGROUND:

On March 22, 1994, the City Council considered the General Plan Steering Committee's proposed Land Use Alternative map and directed staff to prepare the General Plan text and EIR using the work of the General Plan Steering Committee as a basis.

The Planning Commission was then given primary responsibility to oversee the General Plan Rewrite effort, and staff proceeded with the preparation of a Master Environmental Impact Report. The Draft MEIR was distributed for public review from February 16 to April 1, 1995, and a Final MEIR, incorporating responses to public comments received by the City, was published on May 26, 1995.

In May and June, 1995, the Planning Commission held two workshops and two public hearings, culminating in their adoption of a recommended General Plan on June 12, 1995. This document was titled "Planning Commission Proposal." Attachment 1 presents the Planning Commission minutes and resolution. The Planning Commission Proposal was distributed to the City Council on June 20, 1995.

On June 27, 1995, the City Council preliminarily approved a Land Use Diagram, which differed somewhat from the Land Use Diagram proposed by the Planning Commission. Attachment 2 is the Diagram preliminarily approved by the City Council. Also on June 27, the City Council referred the entire General Plan - "Planning Commission Proposal" to the Community Development and Housing Committee for review and comment.

The Committee met on July 19 and July 24, and this staff report documents the Committee's recommendations.

REASON FOR RECOMMENDED ACTION:

1. Certify the Master EIR

The Final MEIR has been available since May 26, 1995. Since that date, the Land Use Diagram has changed slightly, and staff has carefully reviewed the 125 mitigation measures with the Community Development and Housing Committee to see if any revisions were appropriate.

Attachment 3, is a resolution certifying the Master Environmental Impact Report. It includes five issues which the Council should consider in their deliberations. These are:

a) Exhibit A - Final Master EIR

The Final MEIR was distributed to the City Council on May 26, 1995. Exhibit D presents revised Mitigation Measures which, upon certification by the City Council, will be incorporated into the Final MEIR as an "addendum."

b) Exhibit B - Findings Supporting Rejection of Alternatives

The original Draft MEIR was published with four Alternative Land Use Diagrams, including the Steering Committee's proposal; an alternative generated by staff; the "Environmentally Superior Alternative (required by CEQA); and the No-Project Alternative (required by CEQA; in our case, the buildout of the present General Plan).

The Planning Commission added a fifth alternative which became incorporated into the Final MEIR as the "Preferred Alternative." On June 27, 1995, the City Council modified the Preferred Alternative even further. The resulting Land Use Diagram has now been titled the "Adopted Land Use Diagram."

Section 21081 of CEQA requires the City Council to make specific findings for the rejection of alternatives, in favor of the "Adopted Land Use Diagram." Exhibit B presents those findings, as well as the "substantial evidence" supporting those findings.

c) Exhibit C - Statement of Overriding Considerations

As reported in the Final MEIR, the General Plan will create unavoidable, adverse impacts, in the following issue areas: Air Quality, Traffic, Noise, Agriculture, Long Term Water Supply, and Storm Drainage.

In accordance with CEQA, the City Council must make a statement, supported by findings and substantial evidence, as to the specific economic, social, or other considerations which outweigh the unavoidable environmental impacts of the General Plan. This statement is commonly referred to as a "Statement of Overriding Considerations."

Exhibit C presents the Statement of Overriding Considerations.

d) Exhibit D - Revised Mitigation Measures

As a result of the public hearing process and subsequent review by the Community Development and Housing Committee, certain modifications are proposed to the mitigation measures published in the Final MEIR. Out of 125 mitigation measures, 28 revisions are proposed, including deletions. Exhibit D presents the proposed revised mitigation measures, along with a rationale for each revision. Exhibit D also presents findings that the Final MEIR does not need to be recirculated for public review, because the changes proposed by Exhibit D make "insignificant modifications in an adequate MEIR" (Section 15088.5(b), CEQA Guidelines).

e) Exhibit E - Mitigation Monitoring Program

CEQA requires what is commonly referred to as "Mitigation Monitoring." The actual requirement is as follows: "The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation."

Exhibit E is a comprehensive listing of all mitigation measures which are certified by the City Council for inclusion in the Final Master Environmental Impact Report, together with the Mitigation Monitoring process for each mitigation measure.

2. Adopt the General Plan

Given the June 27, 1995, action by the City Council to preliminarily adopt the Land Use Diagram shown on Attachment 2, adoption of the entire General Plan is fairly straightforward. Using the June 12, 1995 Planning Commission Proposal as a base document, the City Council should modify that document by incorporating the recommendations of staff and the Community Development and Housing Committee. These recommendations are presented in Attachment 4 in seven Issue Papers, as follows:

- a) Issue Paper #1 - "Measure A"
- b) Issue Paper #2 - "Should Growth Pay for Itself?"
- c) Issue Paper #3 - "Traffic and Access"
- d) Issue Paper #4 - "Revised Boundaries of the Stanislaus River
Comprehensive Planning District"
- e) Issue Paper #5 - Housing Policies
- f) Issue Paper #6 - Mini-Parks
- g) Issue Paper #7 - Miscellaneous "Clean Up" Items.

Note: Issue Paper #7 does not represent policy changes. As such, Issue Paper #7 has not been reviewed by the Community Development and Housing Committee.

COUNCIL COMMITTEE ACTION

As requested by the Council, the Community Development and Housing Committee met on July 19 and 24, 1995, to discuss proposed changes to the Planning Commission proposal. Issue Papers #1 through 6 represents the Committee's recommendations to the Council to revise the General Plan. The Committee also agreed with staff regarding the revised Mitigation Measures.

ISSUES:

Adoption of the General Plan is the culmination of 3 1/2 years of work of City Staff, the General Plan Steering Committee, the Planning Commission, and the City Council. Substantial public input has been received throughout this process. The General Plan which results from this extensive effort, in staff's view, presents a coherent, viable vision of the future development of the Modesto community. Substantial opportunities are presented for economic development. The policies presented in the General Plan will preserve the quality of life desired by Modesto residents.

STEPS FOLLOWING APPROVAL

1. Staff will incorporate the revised Mitigation Measures into an MEIR "Addendum."
2. Staff will publish the adopted General Plan, based on directions received at this hearing.
3. Both documents will be made available to the public.

Prepared By: Brian R. Smith
Brian R. Smith, General Plan Project Manager

Prepared By: Steve Mitchell
Steve Mitchell, Assistant Project Manager

Recommended By: Philip A. Testa
Philip A. Testa, Community Development Director

Submitted By: J. Edward Tewes
J. Edward Tewes, City Manager

Attachments:

1. Planning Commission Resolution and Minutes
2. Land Use Diagram Preliminarily Adopted by the City Council on June 27, 1995
3. Resolution certifying the Master EIR (includes Exhibits B-D)
4. General Plan Issue Papers (1-7)
5. Resolution Adopting the General Plan

cc: City Clerk (16) City Attorney
Deputy City Manager General Plan Steering Committee (15)
Planning Commission (7) BIACC
League of Women Voters GOAL

Attachment 4

General Plan Issue Papers (1-7)

Issue Paper #1	Measure 'A'
Issue Paper #2	Should Growth Pay For Itself
Issue Paper #3	Traffic and Access
Issue Paper #4	Revisions to the General Plan Resulting from Changes to the Land Use Diagram.
Issue Paper #5	Housing Policies
Issue Paper #6	Mini-parks
Issue Paper #7	Revisions to the General Plan Resulting from Changes to the Final EIR Mitigation Measures

CITY OF MODESTO

MEMORANDUM

July 19, 1995

TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #1: Incorporation of "Measure A"
into the General Plan

Recommendation

1. Staff recommends deletion of the policy developed by the Planning Commission to incorporate "Measure A" into the General Plan.
2. The Community Development and Housing Committee agrees with this recommendation.

Background

"Measure A" is the common term for the Modesto Citizens' Advisory Growth Management Act, passed by the voters in 1979. The exact wording of this initiative reads:

"The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election as provided by Section 5353 of the California Elections Code. For the purposes of this ordinance, the word "extension" shall mean the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan, but shall not include any maintenance, repairs, renovation, or improvements to an existing sewer trunk solely for the purposes of safe, efficient, and effective operation thereof."

Planning Commission Action

On April 3, 1995, the Planning Commission deliberated the question of incorporating equivalent policy direction of Measure A into the new General Plan. The resulting Policy is printed twice in the Planning Commission Proposal

for the General Plan, currently under consideration by the Council. The Policy language, which appears on page II-5 (Policy II-C(1)(e) and page III-11 (Policy III-D(1)(b)), reads as follows:

"The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for development within any Comprehensive Planning District within the Planned Urbanizing Area, as defined in Chapter III, without first holding an advisory election as provided by Section 5353 of the California Elections Code. The only exceptions to this Policy are the following Comprehensive Planning Districts: Pelandale/Snyder; Pelandale/McHenry; Coffee/Claratina; North Beyer; and Fairview. Furthermore, this Policy is only intended to apply to development; the Policy does not restrict in any way the ability of the City to annex unincorporated territory in accordance with Section 56000 et. seq. of the Government Code (Cortese-Knox Local Government Reorganization Act) or its successors." [Note: this Policy, from Chapter II, is revised slightly for context, but is repeated in Chapter III (p. III-11)]

Reason for Recommendation

Staff believes that the above Policy, as developed by the Planning Commission, is unnecessary to incorporate into the General Plan. The City Attorney has provided an opinion (Attachment 1) which indicates that Measure A continues in force irrespective of the policies stated in the new General Plan. Furthermore, staff believes that the substantial public input and comprehensive analysis undertaken to date has provided significant guidance for the future development of the Modesto community.

In conclusion, staff believes that Measure A can function independently of the General Plan (as stated in the attached opinion from the City Attorney) and does not need to be incorporated into the General Plan.

Community Development and Housing Committee Recommendation

On July 19, 1995, the Community Development and Housing Committee considered this issue. The Committee unanimously agreed with staff recommendation.

Attachment

Attachment 1

CITY OF MODESTO

M E M O R A N D U M

Date: July 13, 1995

TO: Community Development Director
FROM: Michael D. Milich, City Attorney
SUBJECT: Continued Viability of Measure A

You asked me to review the current viability of Measure A. As I explained in my memo (copy attached) of July 6, 1992, there was a sea-change in regard to annexation law after our voters approved Measure A. Since the change, annexation has been entirely a creature of State law, and can be imposed on a City against its will. This has effectively vitiated much of Measure A's original purpose which was to require a vote on growth before it happens.

Measure A requires an advisory vote with respect to sewer trunk extensions only when sewer trunk capacity is added to permit expansion of urban development into the urban reserve area of the General Plan. Plainly, this cannot happen, and there is no requirement of a Measure A vote, where a sewer trunk extension is made into an area that has already been annexed to the City. By definition, "City" is not "urban reserve" and vice versa.

In fact, there is no longer an "urban reserve" area of the General Plan at all. However, I would not rely on this nomenclature change to completely obviate the need for a Measure A vote. In the event that a sewer trunk were to be extended into what once was urban reserve prior to annexation of that area, this would, in our view, still require a Measure A vote.

In his letter to me dated May 30, 1995, Dennis Jackman, President of G.O.A.L., expresses the contrary view. He states ". . . Measure A calls on the City Council to seek the advice of its citizenry before approving . . . [the addition of] sewer trunk capacity." As the foregoing suggests, the case is not so simple. Where a previous annexation has occurred, which presumably will be the usual case, no Measure A vote will be required prior to sewer trunk extension into the annexed area.

Please feel free to contact me at your convenience should you have any questions or comments relating to any of the above.



MICHAEL D. MILICH
City Attorney

MDM:apn
cc: Mayor & Councilmembers
City Manager
Dennis Jackman

CITY OF MODESTO

M E M O R A N D U M

Date: July 6, 1992

TO: Bill Nichols, Planning and Community Development
Director

FROM: Assistant City Attorney

SUBJECT: Applicability of Measure A to Various Annexations

You have raised questions about the applicability of the initiative ordinance known as Measure A to the pending North Beyer and Claratina/Coffee annexations as well as to the proposed annexation of the northern portion of the McKinney Colony, Aqueduct, Northwest McHenry, and Northeast McHenry neighborhoods.

Measure A provides:

"The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election as provided by §5353 of the California Elections Code. For purposes of this ordinance, the word "extension" shall mean the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan, but shall not include any maintenance, repairs, renovation, or improvements to an existing sewer trunk solely for the purposes of safe, efficient, and effective operation thereof."

All of the territories referred to above lie outside the current city limits and are designated on the Land Use Map of the General Plan as Urban Reserve. As stated by the General Plan, "The Urban Reserve designation . . . is applied to that portion of the City's Sphere of Influence which has not been formally classified for urban development but which will be used to meet the City's long-term urban development needs" (See paragraph 7 of the Land Use Element of the General Plan).

THE APPLICABILITY OF MEASURE A TO THE CLARATINA/COFFEE AND NORTH BEYER ANNEXATIONS

It is my understanding that it is likely that both of these annexations will be approved by LAFCO without the requirement of rezoning. Assuming that this is the case, each parcel, upon the effective date of the annexation, will automatically be given a zoning classification pursuant to the conversion table set forth in Modesto Municipal Code §10-2.309(a).

As an example, property included in the annexation that had a zoning classification in the County of F, A-2, R-A or R-1 will automatically be classified as R-1 upon annexation to the City of Modesto. However, before subdivision could occur, a General Plan Amendment would be required to change the property's current General Plan designation as Urban Reserve. Without the General Plan Amendment, the tentative map application would have to be denied because of its inconsistency with the General Plan. See Modesto Municipal Code §4-4.404(b).

Your question is whether or not a Measure A vote would legally be required prior to the General Plan Amendment. In our view, no vote is required.

On its face, Measure A has no application to a General Plan Amendment. Measure A provides that the City Council cannot approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election. Measure A further provides that "extension" means the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan. The real question presented by these facts then is whether or not a Measure A vote would be required before the Council could consider the request for a sewer trunk extension into the subject territories. Assuming the request comes after both the annexation and the General Plan Amendment have become effective, we conclude that no such vote is necessary.

It is apparent from the ballot arguments in favor of "Measure A" that its purpose was to "allow people who live in Modesto to voice their opinions on growth before it happens".¹ The framers of Measure A apparently assumed that the trigger for that growth would be a sewer trunk extension. However, since the adoption of Measure A on March 6, 1979, developments in California decisional law have rendered that assumption obsolete. No longer is a sewer trunk extension necessarily the first step in the growth process in the City of Modesto.

Prior to 1977, annexations to municipalities were governed by the often conflicting provisions of three separate pieces of legislation; the older more comprehensive Annexation Act of 1913, 1963 legislation which established for the first time the Local Agency Formation Commissions (LAFCOs), and the Knox-Nisbet Act of 1965 which expanded the authority of LAFCOs. In 1977, the

¹See attached "Argument in favor of Measure A"

Legislature revised the statutory procedures for the organization of City government and the annexation of unincorporated territories by adopting the Municipal Organization Act of 1977 (MORGA).² A major component of this legislation was that it repealed provisions which heretofore had permitted the legislative body of the annexing city to reject a proposed annexation (See former Government Code §§35007, 35121.5, 35122, and 35135) The primary power to review annexation proposals was confirmed to be in the hands of LAFCOs subject only to the right of registered voters in inhabited territory to self-determination. (See former Government Code §§35150 and 35228).³

In other words, neither the elected officials nor the voters of the annexing city have the statutory authority to prohibit an annexation.

This disenfranchisement of the voters in annexing cities was upheld by the California Supreme Court in Citizens Against Forced Annexation v. Local Agency Formation Commission (1983) 32 Cal.3d 816. Subsequent attempts by voters to regulate annexations through the initiative process have proved unsuccessful. Voters in the City of San Luis Obispo passed an initiative in 1978 which essentially provided that no annexation of territory to the city would become effective until approved by a vote of the people at a general or special election held after the final decision by the City Council to annex the territory. The court struck down San Luis Obispo's initiative holding that the California Legislature had occupied the field of annexation of unincorporated areas thereby preempting the city's local measure. Similarly in L.I.F.E. Committee v. City of Lodi (1989) 213 Cal.App.3d 1139, the court invalidated an attempt by the voters of the city of Lodi to reserve the right to halt annexation before it could commence. Lodi's measure provided that annexation of territory in a greenbelt surrounding the city depended upon a favorable city-wide vote. The favorable vote by the city's electorate would allow an annexation to go forward. The court held that such a scheme interferes with and frustrates

²MORGA itself was later repealed and replaced in 1986 in a further consolidation of duplicative and sometimes inconsistent provisions with the adoption in 1986 of Cortese/Knox Local Government Reorganization Act of 1985. (See Government Code §56000, et seq.)

³This feature was retained in the Cortese/Knox legislation. See Government Code §§56375, 57075, and 57076.

Bill Nichols
July 6, 1992
Page 4

the annexation procedure set forth in state law and is, therefore, invalid.

While these cases have no direct bearing on Measure A since it does not attempt to directly affect the annexation process in the City of Modesto, they are nevertheless important because they clarify the fact that annexations and, therefore, growth can occur in a manner that is completely outside the control of the City Council and City voters. Because of the evolution of the law as set forth in these decisions, it is evident that this fact was little understood in March, 1979.

By its very terms, Measure A is limited to sewer trunk extensions which permit urban development of territory in the Urban Reserve. In all other cases, it is silent. Turning again to the situation presented by the Coffee/Claratina and North Beyer annexations, we conclude that once the territory has been annexed to the City of Modesto and the General Plan has been changed to omit the Urban Reserve designation, Measure A no longer requires an advisory vote prior to the authorization of a sewer trunk extension into those areas.

THE APPLICABILITY OF MEASURE A TO THE PROPOSED ANNEXATION OF THE NORTHERN PORTION OF THE MCKINNEY COLONY, AQUEDUCT, NORTHWEST MCHENRY, AND NORTHEAST MCHENRY NEIGHBORHOODS.

It is my understanding that with regard to this proposed annexation, you anticipate that the LAFCO will require rezoning as part of the annexation process. We assume that a General Plan Amendment will take place at the same time and that no sewer trunk extension will be authorized or approved until the annexation has become effective. In our view, the end result is the same in this scenario, no Measure A vote is necessary since such a vote is not required for a sewer trunk extension which permits the urban development of territory within the city limits.

Please let me know if you have any questions.



MICHAEL D. MILICH
Assistant City Attorney

MDM/lk

cc: Mayor & Councilmembers
City Manager
City Attorney

A

SHOULD THE ORDINANCE ENTITLED "MODESTO CITIZENS ADVISORY GROWTH MANAGEMENT ACT" BE ADOPTED?

NO

**IMPARTIAL ANALYSIS OF CITY OF MODESTO INITIATIVE ORDINANCE
PREPARED BY THE MODESTO CITY ATTORNEY**

A city may hold advisory elections, in consolidation with other scheduled elections in the city, for the purpose of allowing voters to voice their opinion on current issues. The results of such advisory elections are not binding upon a city council.

This initiative ordinance would require the Modesto City Council to hold an "advisory election" before the City Council approves, authorizes, or appropriates funds for the extension of any sewer trunk line. The ordinance defines the word "extension", and provides certain exceptions for the maintenance, repair, renovation, or improvement of existing sewer trunk lines.

The cost of holding an election is usually divided between the various jurisdictions participating in the election, based upon the number of candidates and the number of measures presented. Therefore, the cost to the City of Modesto of holding an advisory election as required by this initiative ordinance would vary from election to election. Based on the cost to the City for measures placed on the ballot at recent elections, it has been estimated by the City Clerk that the cost of holding an advisory election could range from approximately One Thousand (\$1,000) to Ten Thousand (\$10,000) Dollars for each election. For instance, the City's Low-Rent Housing Measure on the November, 1978 ballot cost the City approximately Five Thousand (\$5,000) Dollars.

The advisory elections required by this initiative ordinance would be for the purpose of allowing voters to voice their opinion on the extension of sewer trunk lines. The results of the advisory elections would not be controlling on the City Council.

You should vote "YES" on this initiative ordinance if you want to require the Modesto City Council to hold an advisory election before the City Council approves, authorizes, or appropriates funds for the extension of any sewer trunk line.

You should vote "NO" on this initiative ordinance if you do not want to require the Modesto City Council to hold an advisory election before the City Council approves, authorizes, or appropriates funds for the extension of any sewer trunk line.

**ARGUMENTS IN SUPPORT OF OR IN OPPOSITION TO THE PROPOSED LAWS
ARE THE OPINIONS OF THE AUTHORS.**

ARGUMENTS IN FAVOR OF MEASURE A

The purpose of Measure A is to give the citizens of Modesto a way to make sure their voices are heard on city growth issues which affect their destiny.

When passed, Measure A will require the City Council to hold an advisory vote on extension of major sewer trunk extensions. The vote is advisory only. This vote allows the people who live in Modesto to voice their opinions on growth before it happens.

The logical, and historical, result of sewer trunk extensions is additional growth, and the complications and expenses which accompany growth. The growth that such extensions foster is not self-supporting.

The passage of Measure A will not stop growth, it will insure that our elected city representatives know the feelings of a majority of the people before they make sewer trunk decisions which affect growth.

This is not the place to discuss the advantages and disadvantages of growth, as Measure A does not attempt to address the question of whether to grow or not to grow. It is merely a step toward allowing the people of Modesto — those of us who live and work here and love this city — to decide our own future.

On March 6, your vote for Measure A will guarantee you a voice in your future.

The undersigned author(s) of the primary argument in favor of ballot proposition Measure A at the general municipal election for the City of Modesto to be held on March 6, 1979, hereby state that such argument is true and correct to the best of their knowledge and belief.

RICHARD L. HARRIMAN, JON G. H. SHASTID

ARGUMENT IN OPPOSITION TO MEASURE A

Sewers and advisory votes are not the issues with Measure A. The real issue is Modesto's future. Jobs, of all kinds, affordable housing, and our quality of life stand in the balance. The future of our children is being challenged.

Because Modesto has supported agriculture, we have become a major food processing center giving us national — even international importance. Agriculture and food processing have created jobs and a sound economy unknown to cities elsewhere in the Central Valley.

Through growth management and prudent planning policies, agricultural land has been preserved. Affordable housing is available. Parks and open space are abundant. Modesto has become a model city because we have looked to the future.

City between Sacramento and Bakersfield, where other cities have far less. Modesto has lead the way in controlling growth and preserving agricultural land.

Measure A is an attempt to stop our policy of managed growth. It is an attempt to stop all growth — industrial and commercial, as well as residential.

If Measure A is successful many hundreds of jobs could disappear. Affordable housing could become a thing of the past. Costs could rise for industry, and ultimately be paid by us, the consumers.

The price tag of Measure A is high. It is asking us to trade jobs, affordable housing and our quality of life for poor planning, more government expenses, higher living costs and unemployment. Worst of all, it is asking us to deny our young people a future in Modesto.

For our City, for our future, for our children, we urge you to vote No on Measure A.

Modesto for a Better Tomorrow
LEE H. DAVIES, Chairman CARL ULRICH, JR., Vice Chairman JEFF COWAN, Secretary
HOWARD PRIEST, Treasurer

The undersigned author(s) of the primary argument against ballot proposition Measure A at the general municipal election for the City of Modesto to be held on March 6, 1979, hereby state that such argument is true and correct to the best of their knowledge and belief.

LEE H. DAVIES, HOWARD PRIEST, CARL E. ULRICH, JR.

REBUTTAL TO BALLOT ARGUMENT IN FAVOR OF MEASURE A

The proponents of Measure A claim that voters in previous elections didn't know what they were doing. Yet, they are now proposing further "advisory votes" as another delay tactic to impose their will on the majority.

1966 — 92% of voters passed Sewer Bond Issue.

1973 — Modesto Environmental Quality Act soundly defeated.

1974 — Mayor Le Davies, major proponent of controlled growth, reelected over no growth candidate.

1977 — Alternative Futures Committee rejected no-growth, supported controlled growth after many public hearings.

Since 1966, when our sewer system was approved by the voters, not one trunk line has been extended. Recently, the Sonoma line was approved after four years of delay by the no-growthers and a cost increase of 500%.

Modesto voters have known that if controlled growth stops within the city limits, leap frog growth will occur elsewhere in the county.

We know that controlled growth has created jobs, affordable housing and a high quality of life. We have looked ahead — for our children — to save agricultural land and provide them a future in the community.

No-Growth under Measure A would:

- 1) Create massive unemployment.
- 2) Drastically escalate housing costs and rents.
- 3) Undermine representative government.
- 4) Cause development of agricultural lands in other parts of the county.
- 5) Deny a future for our children in Modesto.

The proponents of Measure A have never accepted the will of the majority of the voters. Join the voice of the people and "advise the no-growthers one more time — VOTE NO ON MEASURE A".

LEE H. DAVIES, Chairman CARL E. ULRICH, Jr., Vice Chairman JEFF COWAN, Secretary
HOWARD PRIEST, Treasurer

REBUTTAL TO BALLOT ARGUMENT OPPOSING MEASURE A

The price tag of Measure A is low. It asks us only to trade the tremendous profits of a very few for the preservation of the quality of life most of us brought our families to Modesto to find.

Exploitative development is rampant in Modesto. What is happening in Modesto today is exactly what happened to San Jose. The people who profit from crazy growth do not want it to stop.

Passage of Measure A may well result in more prudent planning and land use, and more affordable housing, than the present policy which has resulted in skyrocketing housing costs in Modesto. Measure A will stop rampant growth. Measure A will control growth, not stop it.

New jobs will develop, but they will offer not only work, but a city of beauty and quality in which to live. The opponents acknowledge our economy is based on agriculture and food processing. They then say they are trying to protect jobs. What will become of the jobs related to agriculture when there is unchecked growth replacing prime growing areas and increased pollution damage to crops?

The opponents of Measure A feel that they, rather than you, know better how to decide your future for you.

Measure A will allow us to pass on to our children their home, intact. For the future of the city that is our home, vote Yes on Measure A. Save Modesto.

The undersigned author(s) of the Rebuttal argument against ballot proposition Measure A at the general municipal election for the City of Modesto to be held on March 6, 1979, hereby state that such argument is true and correct to the best of their knowledge and belief.

RICHARD L. HARRIMAN
JON G. H. SHASTID

CITY OF MODESTO

M E M O R A N D U M

July 19, 1995

TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #2
"Growth Will Pay for Itself"

Recommendation:

1. Staff recommends adoption of four editorial revisions to the Policies noted.
2. The Community Development and Housing Committee agrees with this recommendation.

Background

The Planning Commission recommended the inclusion of several Policy statements in the General Plan to ensure that "Growth will pay for itself". Staff proposes four Policy revisions to the Planning Commission's recommended General Plan:

Revision #1.

On page I-5, the following opening paragraph under Section D:

"The need for economic development opportunities greatly influenced the City Council's initiative to rewrite the General Plan in 1995. Therefore, the following Project Objectives explicitly define Modesto's economic development goals:"

would be replaced with the following narrative:

"In order to provide more employment opportunities for the residents of Modesto, it is necessary that the local and regional economy grow and become more diversified. Accordingly, the following Economic Development Goals are adopted to attract new private investment, to encourage existing businesses to grow, and to facilitate the creation of new jobs."

Rationale:

Rather than passively stating the historical reasons for rewriting the General Plan, the replacement language would state more positively the reasons for adopting Economic Development Goals.

Revision #2

On page I-6, Goal Statement #4:

"The full costs of on-site and off-site public infrastructure and public services required to support new development should be funded from revenues generated by that development. New development shall not result in any long term reduction in the level of public services provided to existing development."

would be replaced with the following narrative:

"Community growth should be managed so that the quality of life is enhanced without imposing significant fiscal burdens on the existing community. Whenever appropriate, and to the extent provided by law, the costs of public infrastructure required to serve new development should be financed from revenue attributable to that development. There may be instances in which it would be appropriate to invest community-wide resources in public infrastructure which could lead to a significant increase in jobs or other benefits to the community."

Rationale:

The present Goal Statement #4, while providing general direction, appears to obligate private development to bear the entire burden of ensuring against any "long-term reduction of public services provided to existing development." It has been suggested, for example, that the present policy language, as stated, would not allow low-income housing to be built in the community, because insufficient revenues would be generated from such a project to pay for the services required by that project.

The staff alternative language provides for somewhat greater flexibility to accommodate the various business cycle fluctuations expected over the life of this General Plan.

Note: Goal Statement #4 on page I-6 is reprinted on page III-11 (Policy IIID-1(e)). Staff proposes that the above replacement narrative also be inserted in place of that same Policy in Chapter III.

Revision #3:

Comprehensive revisions are proposed to the set of Policies in Chapter II entitled "Maintain and Enhance the City's Fiscal Base." A "strike-out/shaded" description is presented in Attachment 1.

Rationale:

The policies, as revised, are significantly more focused on maintaining and enhancing the City's fiscal base. These revised policies maintain the requirement for a financing strategy to accompany a Comprehensive Plan, in the newly developing area, to ensure that the City's existing overall fiscal base is not compromised in the long term.

Revision #4

On page III-11, the following Policy IIID-1(e):

"The full costs of on-site and off-site public infrastructure and public services required to support new development should be identified, and a funding strategy developed by the City, at the time that a Comprehensive Plan is prepared. This strategy should generally address public facility funding, including schools, for any annexation plan, comprehensive plan, specific plan or neighborhood development plan. Where new public facilities are required which will serve the broader community outside a Comprehensive Planning District, broad-based funding mechanisms should be identified within the Comprehensive Plan, along with a funding strategy."

would be replaced with the following narrative:

"Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to

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July 19, 1995
Page 4

implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

Rationale:

Same as Revision #3, above. This Policy is virtually identical to Policy 2(d) on Attachment 1.

Community Development and Housing Committee Recommendation

On July 19, 1995, the Community Development and Housing Committee considered these four revisions. The Committee unanimously agreed with the Staff recommendation.

Attachment

ATTACHMENT I
Reference: Page II-3 (CC)
Planning Commission Proposal

2. Maintain and Enhance the City's Fiscal Base

~~New growth and development should pay its own way; that is, the costs of roads, schools, and other infrastructure to serve new development should be included in the costs of that development, and not paid for by the remainder of the community.~~

The City's overall Community Development Strategy is that new growth and development should, whenever appropriate, and to the extent provided by law, provide public infrastructure and should generate public revenue so that the City's overall fiscal base is maintained and enhanced. In evaluating development proposals, the City should consider the long range impact on the City's fiscal balance.

~~a. Inadequacies in present public services and infrastructure (roads, schools, parks, etc.) need to be corrected, and a long term financing strategy developed. Long range financial planning efforts will include strategies for broad-based funding such as a sales tax increase or a general obligation bond.~~

a. In order to achieve desirable levels of community facilities, it will be necessary to address existing deficiencies. The long-term financing strategy should provide for broad-based funding approaches to meet broad-based community needs.

~~b. Typically, there is a long lead time to plan for and implement infrastructure in new areas. Implementation is dependent upon financing which may add even more time. Long range infrastructure planning is needed to develop cost estimates, staging, and coordination among infrastructure service providers. Financial needs can be identified for inclusion in the long range financial plan.~~

b. Typically, there is a long lead time to plan, finance, and construct infrastructure to serve new areas. Long range infrastructure planning should identify cost estimates, and staging and coordination issues which can be included in any long-term financing strategy.

~~c. Because the costs of providing infrastructure to development in the Baseline Developed Area are lower, due to its close proximity to existing infrastructure, and because development in the Baseline Developed Area is expected to be small in scale and in fill in nature, development is not necessarily required to pay the full costs of maintenance and operation for public facilities required to serve the small scale, infill development projects. Nevertheless, new~~

~~development in the Baseline Developed Area should be required to construct on-site improvements, as required by the City's subdivision and engineering regulations. In addition, new development should pay fees to offset the cost of off-site improvements, as required by the City's Capital Facilities Fees Program.~~

- c. ~~Development proposals within the Baseline Development Area do not require the same attention to fiscal impact analysis as in the Planned Urbanizing Area because projects will tend to be smaller, in-fill type, which will be served by existing infrastructure. Nonetheless, community-wide financing strategies should apply to Baseline Development as well.~~
- d. ~~Within the Planned Urbanizing Area the full costs of on-site and off-site public infrastructure and public services required to support new development should be identified at the time that a Comprehensive Plan is prepared (see Chapter III). Where new public facilities are required which will serve the broader community outside a Comprehensive Planning District, broad-based funding mechanisms should be identified within the Comprehensive Plan, along with a funding strategy.~~
- d. ~~Community growth should be managed so that the quality of life is enhanced without imposing significant fiscal burdens on the existing community. Whenever appropriate, and to the extent provided by law, the costs of public infrastructure required to serve new development should be financed from revenue attributable to that development. There may be instances in which it would be appropriate to invest community-wide resources in public infrastructure which could lead to a significant increase in jobs or other benefits to the community.~~

CITY OF MODESTO
MEMORANDUM

July 19, 1995

TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #3: Revised Traffic Policies

Recommendation

1. Staff recommends that the Circulation and Transportation Policies presented in Section V-B of the Draft General Plan be revised to allow for easier implementation.
2. The Community Development and Housing Committee agrees with this Recommendation.

Background

Attachment 1 presents the proposed revisions to the Circulation and Transportation Policies. The proposed changes are as follows:

Revision #1

The Circulation and Transportation Designations narratives have been modified to add the word "typical" when referring to street right-of-way widths, to allow for flexibility in implementing these General Plan standards.

Revision #2

The Collector Street Designation has been divided into two categories: major collector streets, and minor collector streets. The additional categories provide for 4-lane and 2-lane facilities, respectively.

Revision #3

The Circulation and Transportation Policies for the Baseline Developed Area and Redevelopment Area (Policies B-6(a), (b), and (c)) have been replaced with new policies derived from Final EIR traffic mitigation measures. The purpose of these new policies is to make the requirements more explicit and

more easily implemented. They require that new development not be allowed to degrade the Level of Service (LOS) standards for the street network beyond the levels projected for buildout of the General Plan.

The new policies do provide for the possibility of future development causing a temporary drop in the Level of Service due to incomplete buildout of the ultimate street system. However, this would only be allowed with supplemental environmental review, which may include the preparation of a Focused EIR focusing on traffic impacts and associated effects.

The new policies also contain more specific requirements for a "Site Access Study", and a policy clarifying the requirement for further environmental review for future projects in the Baseline Developed Area which don't conform to the General Plan. A similar policy for projects in the Planned Urbanizing Area has been added as Policy B-7(e).

Revision #4

The Circulation and Transportation Policies for the Planned Urbanizing Area (Policies B-7(a), (b), and (c)) have also been replaced with new policies derived from Final EIR traffic mitigation measures. Again, the purpose of the new policies is to be more explicit and implementation-oriented in their requirements.

Reason for Recommendation

The proposed revisions result from recommendations from the Public Works and Transportation Department. They feel that the revised Policies will be more easily implemented, and will provide sufficient standards for new development while allowing for some degree of flexibility to accommodate unforeseen conditions that may arise as a result of implementing this General Plan over a 30 year period.

Community Development and Housing Committee Recommendation

On July 19, 1995, the Community Development and Housing Committee considered these revisions. The Committee unanimously agreed with the Staff recommendation.

Attachment

ATTACHMENT 1

CHAPTER V

COMMUNITY SERVICES AND FACILITIES

A. INTRODUCTION

Chapter V, Community Facilities and Services, describes the community services and infrastructure needed to support the physical community developed through Chapter III.

The policies in this Chapter provide guidance for conformance with Article 7 of the Government Code (Administration of General Plans), particularly Section 65401 (Review of Public Works Projects for conformity with the Plan) and Section 65402 (Acquisition and Disposal of Real Property).

The distinctions between Community Services and Community Facilities are not critically important; they are distinguished in this Chapter for categorical purposes only. The important issue is that both Services and Facilities, as Community Infrastructure, are provided concurrent with need, to support the physical development, and ongoing maintenance, of the community. For this reason each of the Sections below are tailored for use in either the Baseline Developed Area, or the Planned Urbanizing Area, as those concepts are defined in Chapter II, Urban Growth Strategy.

B. CIRCULATION AND TRANSPORTATION

1. Overview

The Circulation Element was first required by state law in 1955 (Government Code Section 65302(b)). Its purpose was to develop a balanced, multi-modal transportation system, within local jurisdictions. Modesto has discussed circulation in the early General Plans of 1959 and 1965. In 1974 a combined Land Use and Circulation Elements to the Modesto Urban Area General Plan was adopted. In 1986, the Circulation Element updated the circulation portion of the 1974 Land Use and Circulation Elements.

This Section presents, as required by Section 65302(b) of the Government Code, "the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan [Chapter III of this General Plan]."

2. Circulation and Transportation Diagram

Figure V-1 presents the Circulation and Transportation Diagram which describes the proposed general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public facilities within the Modesto Urban Area. The Diagram conforms to Section 65302(b) of the Government Code, and is hereby adopted and incorporated into the Modesto Urban Area General Plan.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CALATTY.GEN.75 (3/7/84)), to provide a certain limited degree of flexibility in applying the Circulation and Transportation Designations to specific streets.

3. Circulation and Transportation Designations (shown on Diagram)

With the exception of local streets, the following Designations, along with typical right-of-way requirements, are presented on the Circulation and Transportation Diagram. These Designations conform to Section 65302(b) of the Government Code, and are hereby adopted and incorporated into the Modesto Urban Area General Plan.

- a. Freeway - This classification defines the highest volume, total access-control highways with high design speeds (55-65 mph). Freeways are an important part of the transportation network for urban, inter-city, and inter-regional movement of people and goods.
- b. Expressways - This classification defines high volume, access-controlled roadways which do not allow for pedestrian or bicycle movements in the travelled way. There are three express-way classes as described below and illustrated on Figure V-2:
 - (1) "Class A" Expressway is an access-controlled roadway with design speeds of 50-55 mph. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively) between intersections and 175 or 300 feet at interchanges (4 or 6 lanes, respectively).
 - (2) "Class B" Expressway is defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn-only access to collector streets. The design speed will be 45-50 mph. The typical right-of-way is 110 or 134 feet (4 or 6 lanes, respectively) between intersections and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

State Highway 219 (Kiernan Avenue, between Highway 99 and McHenry Avenue) will be a Class B expressway, with right-of-way of 181 feet as specified by Caltrans.

- (3) "Class C" Expressway is defined as a limited access-controlled roadway. The design speed is 40-45 mph. The typical right-of-way is 110 or 135 feet between intersections (4 or 6 lanes, respectively) and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

Note: Expressway Class B or C Expressway, on limited rights-of-way may be 100 feet for four lanes and 124 feet for six lanes.

- c. Arterial Streets - This classification defines moderate-to high-volume streets with a primary function of providing mobility and a secondary function of land access. Arterial streets serve the major centers of activity of the urban area and provide mobility of people and goods. There are two classes of arterial streets:

- (1) Principal Arterial streets have six travel lanes with no bicycle lanes. The design speed is 45 mph. The typical right-of-way is 114 feet.
- (2) Minor Arterial streets have four travel lanes. Minor arterials can provide for bicycle lanes. The design speed is the same as principal arterials. The typical right-of-way is 100 feet.

- d. Collector Streets - This classification defines low-traffic-volume streets which can also serve pedestrian and bicycle traffic. Collector streets provide traffic circulation within residential neighborhoods, and commercial and industrial areas.

Collector streets distribute trips from the arterials through the area to their ultimate destination and collect traffic from local streets and channel it into the arterial streets. ~~A collector street is a two-lane facility with a design speed of 25-30 mph on a right-of-way of 60 feet without bicycle lanes or 72 feet with two, 6-foot bicycle lanes.~~ There are two classes of collector streets:

- (1) ~~A major collector street is a four-lane facility, with a design speed of 25-35 mph on a typical right-of-way of 84 feet without bicycle lanes or 96 feet with two, 6-foot bicycle lanes.~~
- (2) ~~A minor collector street is a two-lane facility, with a design speed of 25-30 mph on a typical right-of-way of 60 feet without bicycle lanes or 72 feet with two, 6-foot bicycle lanes.~~

- e. Local Streets - This classification applies to low-volume streets which are two-lane roadways. Local streets primarily permit direct access to abutting land uses and connections to the higher order roadways. Local

streets offer the lowest level of mobility and usually contains no bus routes. The right-of-way should be narrow enough, and design speeds low enough, to discourage through traffic.

4. Policies Relating to Street Designations

- a. State Highway - This classification defines any street which is acquired, laid-out, constructed, improved or maintained as a state highway pursuant to constitutional or legislative authorization. The street can be a freeway, expressway, arterial or other roadway classification. The right-of-way, design and construction on a State Highway should follow state standards. The improvement and addition of freeway interchanges should be made when required by future traffic demands.
- b. Streets in Comprehensive Plans - Any Comprehensive Plan may experiment with differing rights-of-way and cross sections for the five Circulation and Transportation Designations.

5. Circulation and Transportation Policies - Overall

- a. The streets and highways system should be coordinated with Caltrans', the County's, and other jurisdictions' existing facilities and plans. The adoption of a regional expressway system by Stanislaus Area Association of Governments (SAAG) should be supported, and the components of the regional system which lie within the City's Sphere Of Influence should be incorporated into the City's Circulation and Transportation Diagram. The expressway system should be designed to accommodate mass transit.
- b. Transportation Control Measures (TCMs) should be implemented where feasible or mandated by other agencies, to reduce vehicle miles traveled, vehicle idling, or traffic congestion. Alternatives to the drive-alone auto mode, such as mass transit, ride sharing, and telecommuting should be encouraged. In addition, the City should encourage innovative means to reduce traffic congestion and enhance air quality, such as teleconferencing centers, fiber optic communication networks, and trip reduction programs.
- c. Transportation Demand Management (TDM) measures will be encouraged to directly affect trip makers' choice of travel mode and the routes and time of day for trips. Transportation Demand Management has as its purpose the reduction in the number of vehicle trips being made on the street network. Typical types of TDM measures would be promotion of transit, car pooling or van pooling, and pricing of parking to make these alternative modes of transportation more attractive and cost competitive.

- d. The City hereby defines and authorizes the use of a "Plan Line." The Plan Line is a process which specifically defines the location of center lines, alignments, rights-of-way, cross-sections and intersections for future or proposed roadways. The purpose of a Plan Line is to provide adequate right-of-way for future growth needs and to protect the right-of-way from encroachment. Adopted Plan Lines shall be incorporated into development plans to define specific requirements for dedicating the right-of-way for street purposes and to implement Circulation and Transportation Policies of the General Plan.
- e. The highest possible levels of traffic service should be maintained on City roadways, consistent with the financial resources reasonably available to the City and without unreasonably burdening property owners or developers with excessive roadway improvement costs.

Data from the General Plan Traffic Analysis, described in Appendix II-A of the Final Master Environmental Impact Report, as updated from time-to-time, shall be utilized to evaluate the effectiveness of traffic mitigation measures adopted by the City Council.

- f. Where safety and traffic operations are not compromised, in-fill and redevelopment projects will be exempted from the City's street width and right-of-way standards if those standards exceed the original standards under which the adjacent streets were constructed. This exemption shall not apply to other street improvement standards, such as, but not limited to, drainage, structural requirements, curbs, gutters, sidewalks, and lighting. This exemption shall not apply on State Highways or where Plan Lines have been adopted.
- g. The City's circulation system should facilitate a rapid response by emergency vehicles and should accommodate school buses. Factors should include adequate road widths and corner radii in street designs to ensure that the appropriate fire equipment and school buses can negotiate City streets.
- h. Development should be designed in a way that will encourage walking as an alternative mode to the automobile for transportation. Safe and convenient pedestrian facilities should be provided in residential, commercial and other areas when necessary.
- i. The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements. Facilities for mode

transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.

- j. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:
- (1) Amtrak. The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.
 - (2) Inter-regional Rail Service. The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.
 - (3) Light Rail Transit. The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.
 - (4) Freight Rail. The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of "truck on rail" as a technique for reducing through-truck traffic on highway corridors.
 - (5) Any necessary crossings of the Santa Fe Railroad corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In 1995, the AT&SF Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe's rail line.
- k. Neighborhood street networks will be provided in new development, which permit local trips to be completed as much as possible without the use of collector streets and arterial streets.
- l. The City should carry out a citywide transportation improvement plan to accommodate peak hour traffic flow on arterial streets and major

collector streets. This plan may include additional lanes, striping, and turning pockets.

- m. The City will work with Caltrans to promote the application of advanced technology to help manage congestion, and enhance roadway capacity and safety. Known as "Intelligent Transportation Systems" (ITS), the program includes the following components:
- (1) Advanced Traffic Management Systems (ATMS), which maximize capacity of the transportation system, and involves using technology to manage traffic flow, disseminate real-time travel information to travelers, improving emergency response, and coordinate inter-agency traffic management.
 - (2) Advanced Traveler Information Systems (ATIS), which provides on-board navigation that can provide congestion and accident information and alternative travel routes.
 - (3) Commercial Vehicle Operation (CVO), which restricts commercial vehicles from operating during commute peak hours, and helps transportation companies track their vehicles.
 - (4) Advanced Vehicle Control Systems (AVCS), which use on-board and in-road guidance systems to optimize vehicle speed and movement.

n. The City shall develop guidelines for private property access to the expressway, arterial and collector street system. These guidelines will provide for reasonable, safe and coordinated driveway access while maintaining smooth and safe traffic flow along the City's major streets. These guidelines will address the number, location, design and operation of driveways for each class of roadway.

6. Circulation and Transportation Policies - Redevelopment Area and Baseline Developed Area

- a. ~~Level of Service (LOS) D or better during the p.m. peak hour is the planning objective and standard for the evaluation of new development, mitigation measures, and for use in other traffic related analyses or reports. However, several circulation links (i.e. "Problem Links") are projected to operate at traffic service levels of "E" or "F". These general performance standards are graphically depicted on Figure 1-5 and Table 1-3 of the Final Master Environmental Impact Report. Further details are provided in the General Plan Traffic Analysis (Appendix II A of the Final Master Environmental Impact Report).~~

- ~~b. For proposed development projects that are consistent with the General Plan approved land use for that site, it is hereby established that those projects are consistent with the general performance standards for the circulation system, as described above.~~
- ~~c. On a case by case basis, the Public Works and Transportation Director may require the preparation of a "Site Access Study," to identify and resolve unique operational and safety related concerns, including internal and external site access.~~
- a. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of this Master EIR) to achieve LOS "D" or better in the year 2025 (as shown in Figure 1-5 and Appendix II-A) cannot cause, without further study, conditions to be worse than LOS "D" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- (1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)
- (2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

- b. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "E" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause conditions on those facilities to exceed LOS "E" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- (1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the

LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)

- (2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

- c. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle capacity (v/C) ratio of 0.05 or greater for roadway segments or intersections whose v/C ratio is estimated to be 1.00 or higher in 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- (1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)
- (2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

- d. Designated City staff will review future development project proposals within the Baseline Developed Area, on a case-by-case basis. The following criteria will be applied to each proposal, and a determination made by the Public Works and Transportation Director, regarding the acceptable or appropriate level of project impact on the circulation network.

- (1) For proposed development projects that conform to the General Plan-approved land use for the site, it is assumed that the adopted performance standards for the circulation system within the area of impact will be maintained. For such projects, the designated City staff will establish an appropriate scope of study for a "Site Access Study" which may address project impacts to adjacent or nearby intersections, as described in Mitigation Measures 1-3.
- (2) The "Site Access Study" shall, at a minimum, analyze, and resolve the following:
 - (a) impacts to roadway intersection that are adjacent to the project site.
 - (b) impacts to other intersections considered to have a key role in regulating access to the project site or substantial traffic flow between the project site and a key arterial roadway.
 - (c) impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to off-site bicycle/pedestrian circulation systems, and transit services.
 - (d) on-site parking needs and impacts to off-site parking, when applicable.
 - (e) other operational or safety-related concerns and issues, including site access.
- (3) The proposed development project will be designed to incorporate all definitive recommendations of the "Site Access Study."
- (4) If implementation of the definitive recommendations of the Site Access Study is impractical or infeasible, a Focused Environmental Impact Report, including a Comprehensive Traffic Study will be required. That Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.
- (5) For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 22157.1(d) of the Public Resources Code.

- e. Data from the General Plan Traffic Analysis, described in Appendix II-A of the Final EIR, shall be utilized to evaluate the effectiveness of the Policies presented above.

7. Circulation and Transportation Policies - Planned Urbanizing Area

- a. ~~Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works and Transportation Director, and be included in a Focused EIR for each respective Comprehensive Plan.~~

- b. ~~The Comprehensive Traffic Study shall include the following components:~~

- (1) ~~Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.~~

- (2) ~~If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measure to update the General Plan Traffic Analysis.~~

- c. ~~For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) those projects will be deemed in conformance with the performance standards established by the Comprehensive Traffic Study.~~

- a. Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

- b. The Comprehensive Traffic Study shall include the following components:

- (1) Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact

assessment shall be made by the Public Works and Transportation Director.

(2) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area.

c. For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) a subsequent, Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:

(1) Impacts to roadway intersections that are adjacent to the project site.

(2) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(3) On-site parking needs.

(4) Other safety-related concerns.

Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study."

d. Data from the General Plan Traffic Analysis, described in Appendix II-A of the Final EIR, shall be utilized to evaluate the effectiveness of the Policies presented above.

e. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

8. Implementation

a. From time to time, the City may adopt subsequent master plans, short-range transit plans, or other policy documents to implement some or all of the policies listed above. These subsequent policy documents, such as the Capital Improvement Program and individual street construction projects, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

CITY OF MODESTO

MEMORANDUM

July 24, 1995

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Issue Paper #4 - Revisions to the General Plan Resulting From City Council and CD&H Committee Changes to the Land Use Diagram

Recommendations

1. Staff recommends that the City Council adopt the revised Land Use Diagram (Attachment 2 of the overall staff report) that the Council preliminarily approved on July 27.
2. The Community Development and Housing Committee agrees with this recommendation, with one further revision: a shift in the boundaries of the Stanislaus River Comprehensive Planning District. Staff concurs with this recommendation.
3. Staff recommends that the General Plan be modified to reflect the revised Land Use Diagram in two areas:
 - a. Comprehensive Planning District narratives and maps (Attachment A)
 - b. Other General Plan maps (Attachment B)

Background

At the June 27 meeting, the Council preliminarily approved a Land Use Diagram for the General Plan, which differed somewhat from the Land Use Diagram proposed by the Planning Commission. As a result of these revisions, a number of changes need to be made to the General Plan text and maps. These changes fall into the following three categories: changes to the Land Use Diagram; changes to the Comprehensive Planning District narratives and maps; and changes to other maps in the General Plan document.

Changes to the Land Use Diagram

Following are descriptions of the changes made by the Council and the Community Development and Housing Committee to revise the Land Use Diagram from the Diagram presented in the Planning Commission Proposal. These changes are depicted on the "Adopted Land Use Diagram", presented as Attachment 2 to the overall staff memo.

Change #1

The Council, at the June 27 meeting, approved an expansion of the Stanislaus River Comprehensive Planning District (CPD) east to Dale Road. When the Community Development and Housing Committee reviewed the Land Use Diagram at their July 19, 1995, meeting, they voted to recommend revising the southern boundary of the Stanislaus River CPD to reflect the existing bluff line of the Stanislaus River. The end result of these revisions is a change in acreage from 770 acres of Open Space in the Planning Commission Proposal to 810 acres. The new boundaries are: to the west, the western boundary of Assessors Parcel No. 3-10-03; to the north, the Stanislaus River; to the east, Dale Road; and to the south, the bluff line of the Stanislaus River.

Change #2

As a result of moving the boundary of the Stanislaus River CPD, the northern boundary of the Stoddard CPD shifts north to the bluff line of the Stanislaus River. This results in an expansion of the Village Residential portion of this Comprehensive Planning District, from 520 acres to 820 acres.

Change #3

The addition of the Stoddard/Dale Comprehensive Planning District, which consists of 860 acres of Village Residential and 320 acres of Business Park. With the revision to the Stanislaus River CPD, the Stoddard/Dale CPD is bounded to the north by the bluff line of the Stanislaus River. The other boundaries are Dale Road to the east, Kiernan Avenue to the south, and Stoddard Road to the west.

Change #4

A change in the western boundary of the Highway 99 Comprehensive Planning District. In addition, the northern boundary of this CPD is changed by the revision to the Stanislaus River CPD. The combined result of these revisions is a change in acreage from 550 acres of Regional Commercial to 570 acres. The new boundaries are: Hammett Road and

M.I.D. Lateral No. 8 to the west; the bluff line of the Stanislaus River to the north; a line parallel to and 1/2 mile east of State Highway 99, to the east; and the northern boundary of the Salida Community Plan and Murphy Road to the south.

Change #5

The expansion of the Beckwith/Dakota Comprehensive Planning District to the west 1/2 mile, with the new boundaries being Murphy Road to the north, State Highway 99 and Morse Road to the east, North Avenue to the south, with the western boundary being a line parallel to and 1/2 mile to the west of Dakota Avenue. The resulting Comprehensive Planning District consists of 690 acres of Business Park and 350 acres of Regional Commercial.

Change #6

The deletion of the Blue Gum/Dakota Comprehensive Planning District, which consists of 970 acres of Village Residential, located west of Morse Road between North Avenue and Woodland Avenue.

Change #7

Moving the Highway 132 Business Park Comprehensive Planning District to a location south and east, displacing a portion of the Paradise/Carpenter Comprehensive Planning District. The new boundaries of the Highway 132 Business Park, which consists of 660 acres of Business Park, are: Kansas Avenue to the north, Carpenter Road to the east, California Avenue to the south, and Nebraska Avenue to the west. The Paradise/Carpenter Comprehensive Planning District is reduced by 660 acres, from 1,470 acres of Village Residential to 810 acres of Village Residential.

Change #8

The deletion of the Paradise/Maze Comprehensive Planning District, which consists of 1,580 acres of Village Residential, located west of Nebraska Avenue and south of Maze Boulevard.

Change #9

The deletion of a portion of the Tuolumne River Comprehensive Planning District, consisting of 400 acres of Open Space, located west of the line of Nebraska Avenue, leaving 1,380 acres of Open Space.

Change #10

The deletion of a portion of the Whitmore/Carpenter Comprehensive Planning District, consisting of 160 acres of Village Residential, located west of Vivian Road, leaving 690 acres of Village Residential.

Change #11

The addition of the Empire North Comprehensive Planning District, which consists of 270 acres of Village Residential. Its boundaries are Parker Road to the north, Church Street to the east, and the Santa Fe Railroad to the west. The southern boundary is the northern boundary of the Empire Sanitary Sewer District.

Change #12

The addition of the Kiernan/Carver North Comprehensive Planning District, which consists of 450 acres of Village Residential and 30 acres of Regional Commercial. It is bounded by Kiernan Avenue to the south, Dale Road to the west, and McHenry Avenue to the east. The northern boundary is a line parallel to Kiernan Avenue lying 1/4 mile to the north of Kiernan Avenue.

Changes to the Comprehensive District Narratives and Maps

With the changes to the Land Use Diagram presented above, the maps and narratives for individual Comprehensive Planning Districts presented in Chapter III as Exhibits III-1 through III-27 will need to be revised as well. Attachment A to this memo presents the proposed revisions. Although staff has calculated acreage's for the revised Comprehensive Planning Districts, these may need to be refined further as better information becomes available.

Changes to Other Maps in the General Plan Document

In addition to changes in the Comprehensive Planning Districts, the changes to the Land Use Diagram also necessitate the need for revisions to other maps contained in the General Plan document. These maps are:

- Growth Strategy Diagram (Figure II-1)
- Circulation and Transportation Diagram (Figure V-1)
- Sanitary Sewer Trunk Lines Diagram (Figure V-3)
- Flood Potential Diagram (Figure VI-2)
- Noise Contours Diagram (Figure VII-1)

The revised maps are presented in Attachment B to this memo.

Attachment A

**REVISED
COMPREHENSIVE PLANNING
DISTRICT
NARRATIVES AND MAPS**

Of these changes, the most significant are to the Circulation and Transportation Diagram, the Flood Potential Diagram, and the Noise Contours Diagram. The Circulation and Transportation Diagram presented in Attachment B contains a revised circulation system to serve the re configured land uses of the Adopted Land Use Diagram.

Similarly, the Flood Potential Study Area has been extended in the Flood Potential Diagram, and the noise contours in the Noise Contours Diagram have been revised, to reflect the changes in the Adopted Land Use Diagram. The other two maps, the Growth Strategy Diagram and Sanitary Sewer Trunk Lines Diagram, have been modified only to reflect the new overall boundaries.

Attachments

Exhibit III-1

COMPREHENSIVE PLANNING DISTRICT SUMMARY

<u>Exhibit No.</u>	<u>Comprehensive Planning District (CPD)</u>	<u>Land Use Designations Within the CPD</u>	<u>Acreage</u>
III-2	Beckwith/Dakota	Business Park Regional Commercial	290 690 270 350
III-3	Blue Gum/Dakota	Village Residential	970 deleted
III-4	Coffee/Claratina	Residential Regional Commercial	130 40
III-5	College West	Business Park	240
III-6	Dry Creek	Open Space	460
III-8	Fairview	Village Residential	350
III-7	Empire North	Village Residential (Deleted by Planning Commisison, 6/12/95)	n/a 270
III-9	Hetch Hetchy	Village Residential Regional Commercial	860 120
III-10	Highway 99	Regional Commercial	550 570
III-11	Highway 132 Business Park	Business Park	650 660
III-12	Johansen	Village Residential	610
III-13	Kiernan/Carver	Village Residential Business Park Regional Commercial	650 660 75
III-14	Kiernan/Carver North Kiernan/McHenry	Village Residential Business Park Regional Commercial	450 1370 100
III-15	North Beyer	Residential	160
III-16	Paradise/Carpenter	Village Residential	1,470 810
III-17	Paradise/Maze	Village Residential	1,500 deleted
III-18	Pelandale/McHenry	Residential Regional Commercial	50 30

III-19	Pelandale/Snyder	Residential	390
III-20	Roselle/Claribel	Village Residential Business Park	1,430 260
III-21	Salida	Salida Community Plan	1,450
(III-22)	(Santa Fe East)	(Deleted by Planning Commission, 6/12/95)	n/a
III-23	Stanislaus River	Open Space	770 810
III-24	Stoddard	Village Residential Business Park	520 380
III-25	Stoddard/Dale Tuolumne River	Village Residential Business Park Open Space	860 320 1,780 1,380
III-26	Village One	Village Residential Business Park	1,620 220
III-27	Whitmore/Carpenter	Village Residential	850 690

Exhibit III-1
COMPREHENSIVE PLANNING DISTRICT SUMMARY

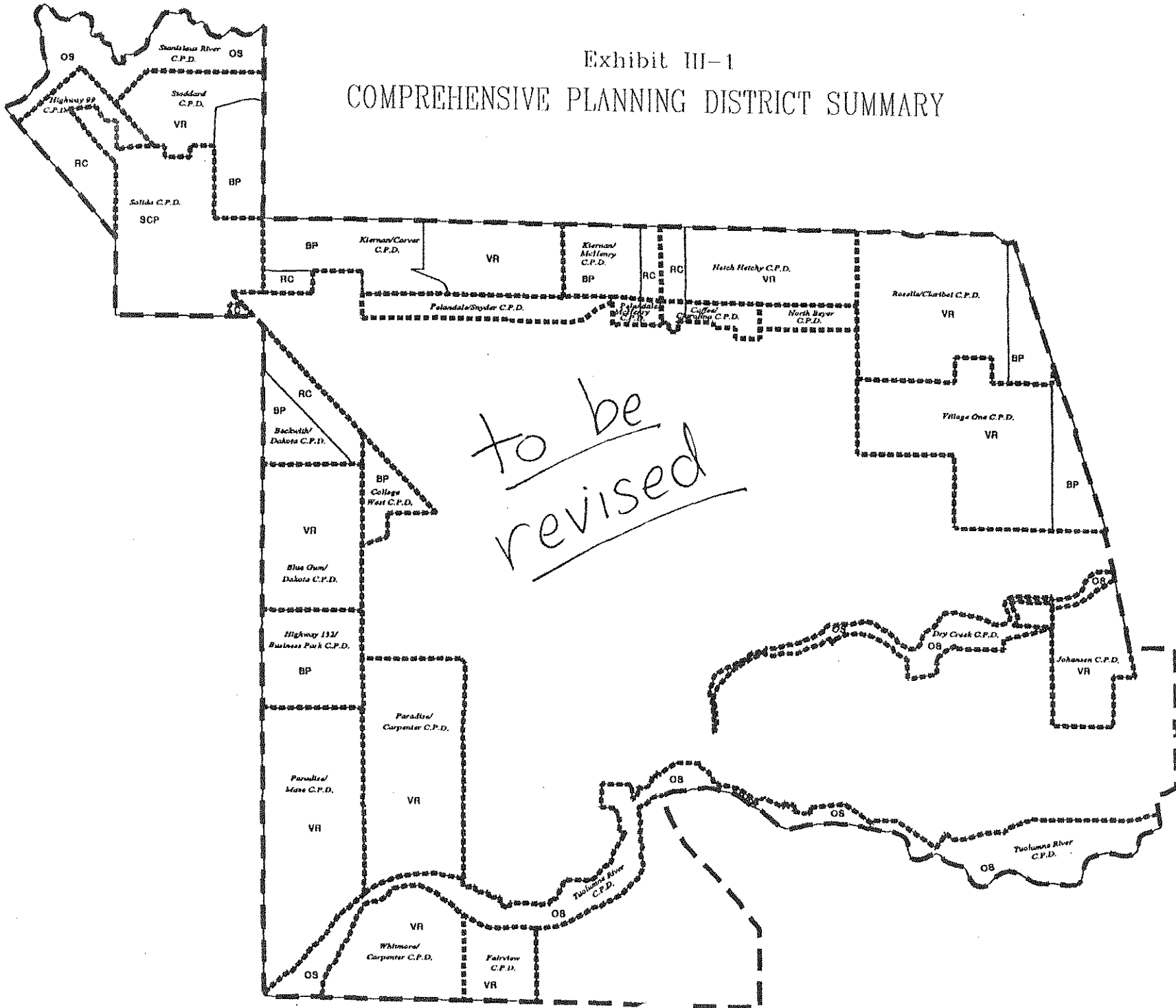


Exhibit III-2

BECKWITH/DAKOTA

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ¹⁰⁴⁰~~560~~-acre Comprehensive Planning District is comprised of commercial uses adjacent to a frontage road parallel with the Southern Pacific Railroad and Freeway 99, with Business Park Uses comprising the balance of the Comprehensive Planning District. Primary access to this Comprehensive Planning District would be from the Beckwith interchange with Freeway 99 and with a future expressway along Dakota Avenue, directly linking to the Kiernan Avenue expressway.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- ⁶⁹⁰~~290~~ acres designated "Business Park"
- ³⁵⁰~~270~~ acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

The Regional Commercial land use should be sited along Freeway 99 to take advantage of the exposure to regional traffic.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) The commercial uses adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.

~~(2) Adequate buffering shall be provided between the proposed Business Park uses and the Village Residential uses in the Blue Gum/Dakota CPD.~~

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. ~~This Comprehensive Planning District is dependent upon~~ ^{Sewer service for this} installation of the West No. 2 sanitary sewer trunk ~~in the Blue Gum/Dakota Comprehensive Planning District to the south.~~ ^{may be the} A limited tie-in to the existing West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of ^{31,000}~~15,600~~ employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Regional Commercial uses and the Business Park uses shall be determined by the Comprehensive Plan.

BECKWITH/DAKOTA C.P.D.

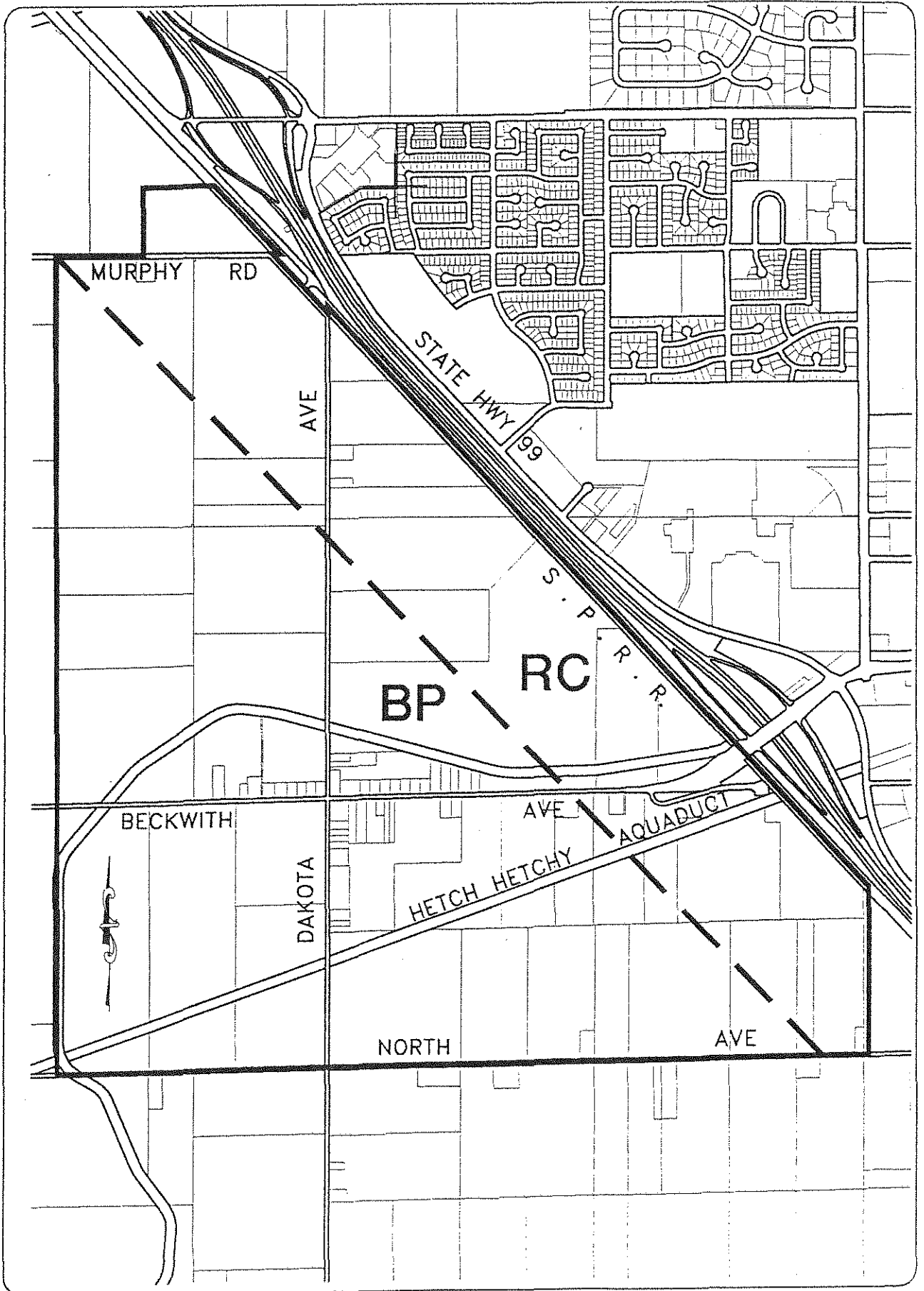


Exhibit III-3

BLUE GUM/DAKOTA

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 970-acre Comprehensive Planning District is intended to create a mixed use, pedestrian oriented community similar to Village One. This Comprehensive Planning District is bounded by the Dakota Avenue expressway on the west, and by Business Park uses on the north, east, and south.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 970 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

The support commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

DELETED

(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 4,900 dwelling units.

(2) Adequate buffering shall be provided between residential uses and the Business Park uses to the north, east, and south. Adequate buffering shall also be provided adjacent to the Dakota Avenue expressway.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District is dependent upon installation of the West No. 2 sanitary sewer trunk in the Paradise/Maze and Highway 132 Business Park Comprehensive Planning Districts to the south. Limited tie-in to the West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of 4,900 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 800 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

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BLUE GUM/DAKOTA C.P.D.

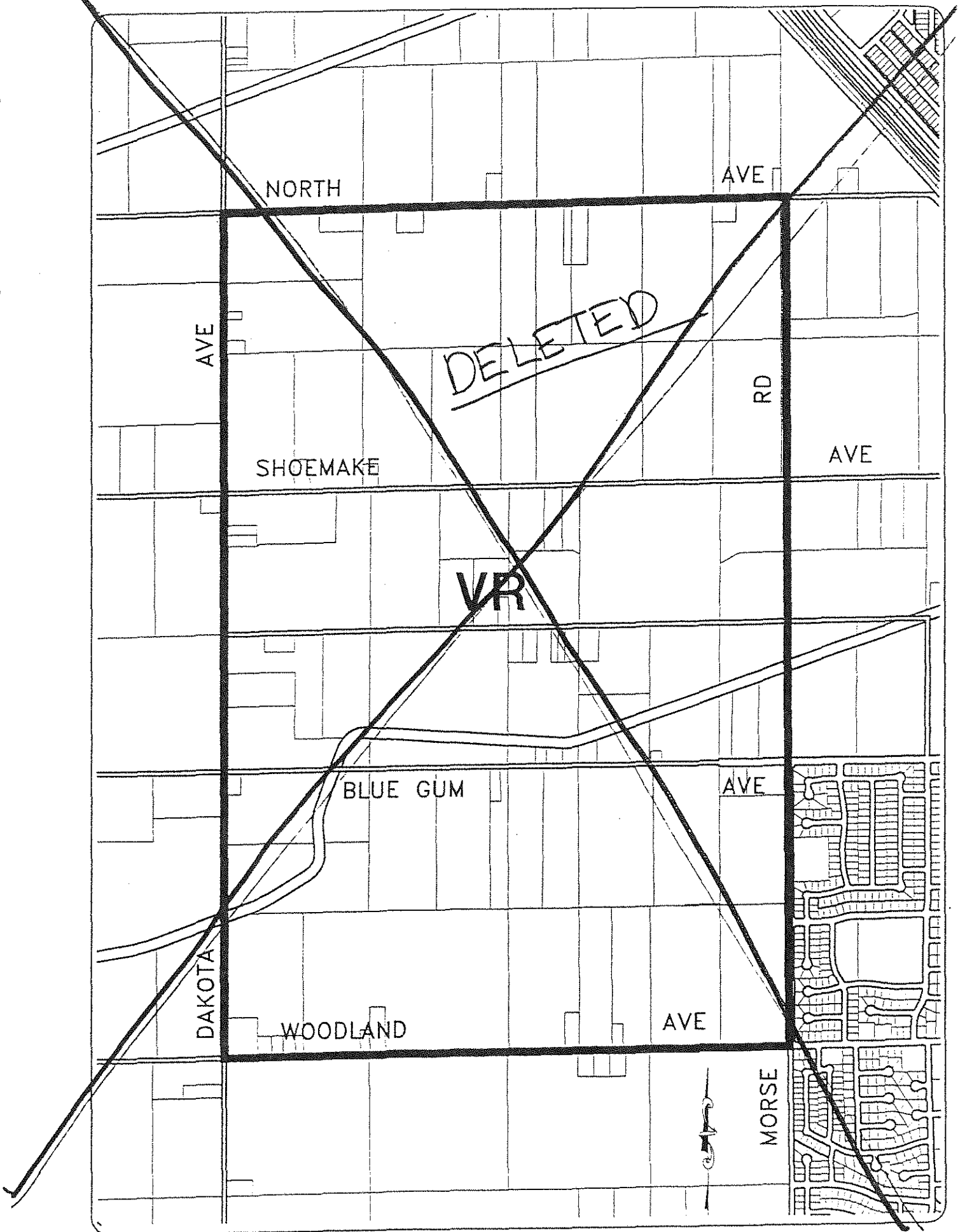


Exhibit III-7

EMPIRE NORTH

COMPREHENSIVE PLANNING DISTRICT

1. Overview

270

This ~~150~~-acre Comprehensive Planning District is intended to continue the existing residential development that lies in Empire, to the south of this Comprehensive Planning District.

proposes predominantly "Village Residential" uses immediately north of existing residential development in Empire. Dry Creek,

2. Principal Comprehensive Planning District Policies

running through the north end of this Comprehensive Planning District presents a significant ~~opportunity~~ ^{opportunity} for recreational and open space ~~opportunities~~ ^{opportunities}.

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

270

- ~~150~~ acres designated "Residential" Village Residential

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "~~Neighborhood Plan Prototype~~" Policies (Section III-C(2))
Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of ~~1,100~~ dwelling units.

1,400

- (2) Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by the Yosemite sanitary sewer trunk. As an interim measure, a tie-in to the existing sanitary sewer lines in Empire may be permitted, as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of ^{1,400}~~1,100~~ dwelling units was assumed for this Comprehensive Planning District.
- b. A biological analysis will need to be prepared.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between this Comprehensive Planning District and the Dry Creek Comprehensive Planning District will be determined by the Comprehensive Plan.

- The Comprehensive Plan for this Comprehensive Planning District
- (3) ~~This Comprehensive Planning District~~ should incorporate open space and recreational opportunities ~~to~~ along Dry Creek, as an extension of ~~to~~ the Dry Creek Comprehensive Planning District. These may incorporate the River Greenway Program policies presented in Section B-6 of Chapter VII. ~~to any extent, the~~

EMPIRE NORTH C.P.D.

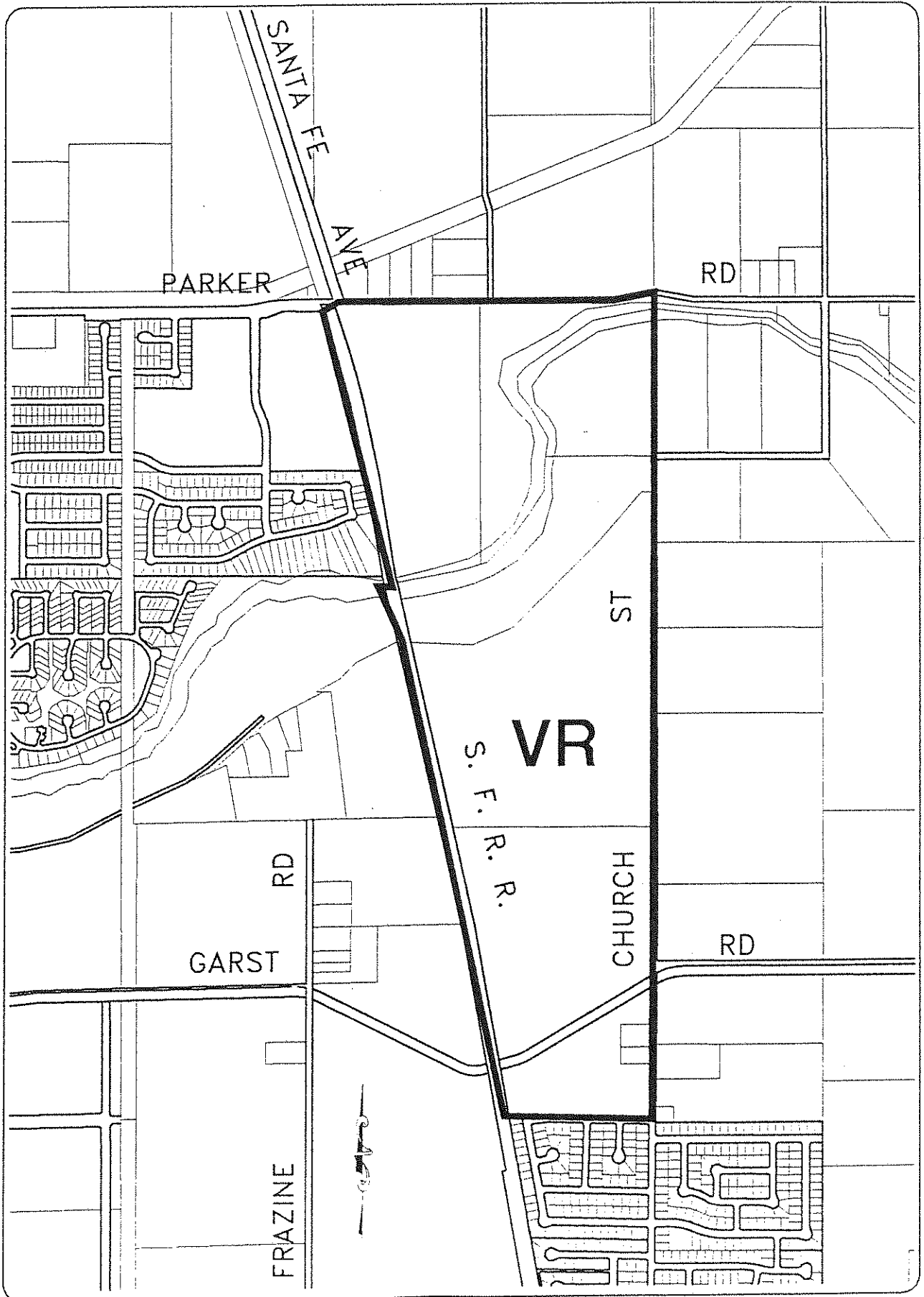


Exhibit III-10

HIGHWAY 99

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ⁵⁷⁰~~550~~-acre Comprehensive Planning District proposes regional commercial uses to take advantage of proximity to Highway 99, and to present a "gateway" to Modesto.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

⁵⁷⁰
- ~~550~~ acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) The Regional Commercial uses located adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served by a Westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City's North end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 11,000 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Specific Plan.

HIGHWAY 99 C.P.D.

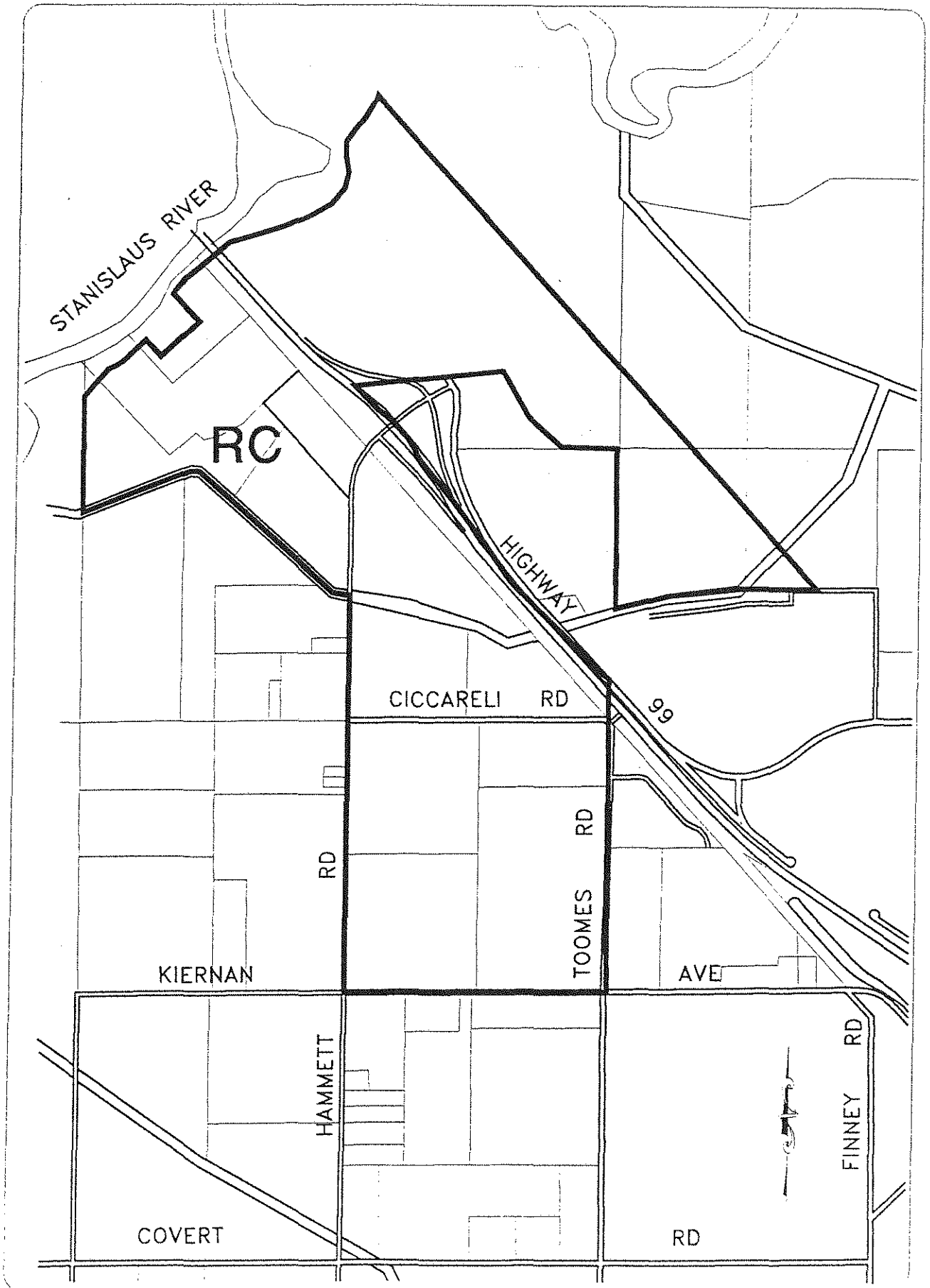


Exhibit III-11

HIGHWAY 132 BUSINESS PARK
COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ⁶⁶⁰~~650~~-acre Comprehensive Planning district proposes a Business Park that would benefit from its proximity to Highway 132.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

⁶⁶⁰
- ~~650~~ acres designated "Business Park"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) The Business Park uses adjacent to Highway 132 shall be designed to present an attractive gateway to the City.

(2) Adequate buffering shall be provided between Business Park uses and residential uses to the north, east, and south.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is dependent upon installation of the West No. 2 Sanitary Sewer Trunk in the Paradise/Maze Comprehensive Planning District to the south. Limited tie-in to the West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

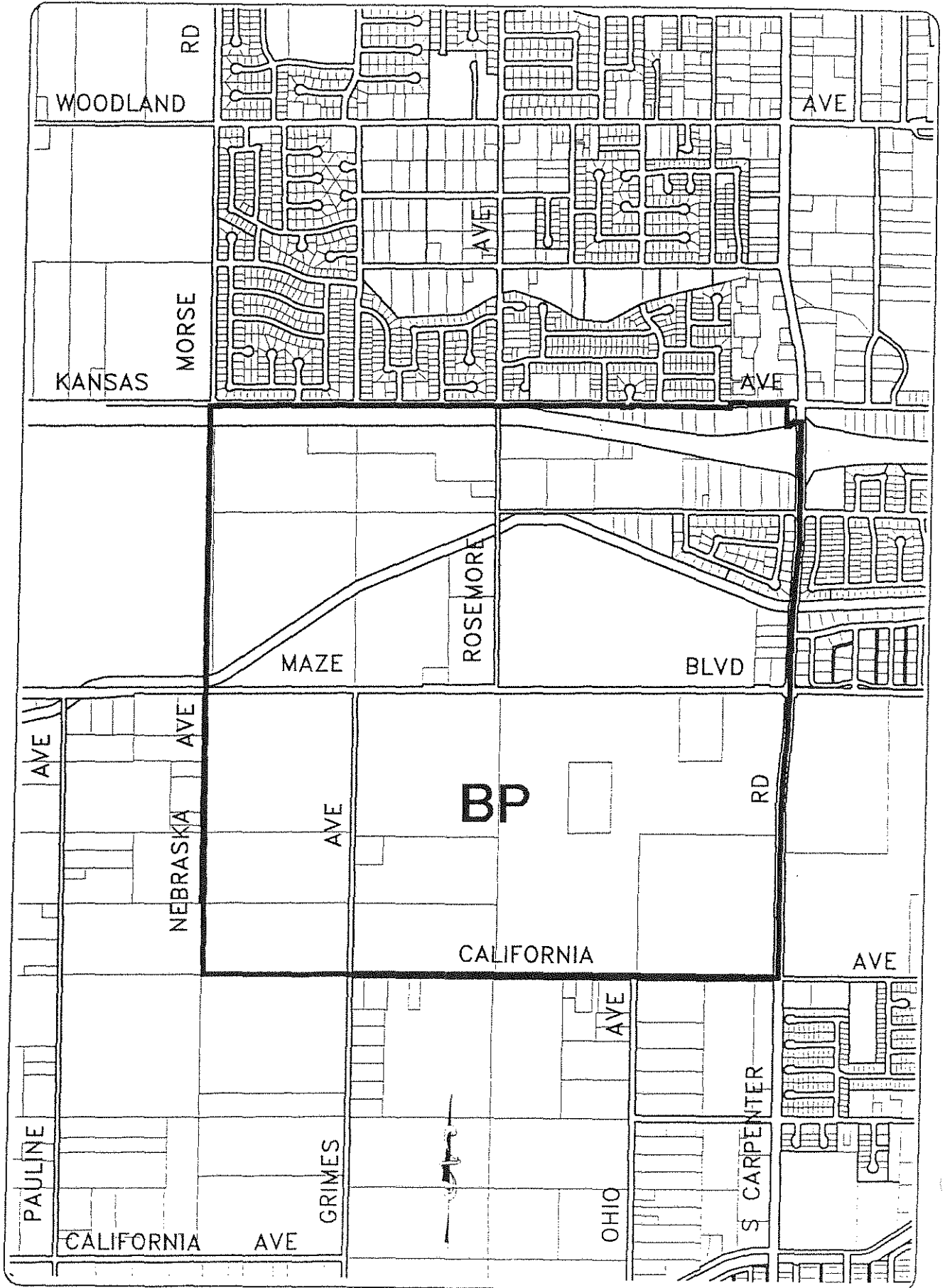
- a. A total of ^{23,100}~~16,300~~ employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

- a. This Comprehensive Planning District is already served by the West Sanitary Sewer Trunk.

HIGHWAY 132 C.P.D.



KIERNAN/CARVER NORTH
COMPREHENSIVE PLANNING DISTRICT

WAG

1. Overview

This ~~900~~ ⁴⁸⁰ acre Comprehensive Planning District, located ^{on the north side of Kiernan A} ~~between Claribel Road and Claratina Avenue~~ (a proposed expressway), proposes predominantly "Village Residential" uses, ~~The Hetch hetchy electrical transmission lines and aqueduct, which ultimately serve the City and County of San Francisco, traverse this site in a 110-foot-wide right of way.~~ ^{with Regional Commercial uses at McHenry Avenue.}

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- ~~360~~ ⁴⁵⁰ acres designated "Village Residential"
- ~~120~~ ³⁰ acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

- (1) The regional commercial uses are located along the ^{west} ~~east~~ side of McHenry Avenue to accommodate the established commercial uses along McHenry Avenue.
- (2) The supporting commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of ~~4,400~~^{2,300} dwelling units.

(2) (b) The regional commercial uses should be located along the ~~east~~^{west} side of McHenry Avenue to join the established commercial uses along McHenry Avenue.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District will be served by an extension of the North Trunk from Dale Road easterly through ~~two Comprehensive Planning Districts: the~~^{the} Kiernan/Carver and Kiernan/McHenry Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of ~~4,400~~^{2,300} dwelling units was assumed for this Comprehensive Planning District.

b. A total of ~~3,100~~⁶⁰⁰ employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Village Residential and Regional Commercial uses will be determined by the Comprehensive Plan.

KIERNAN/CARVER NORTH C.P.D.

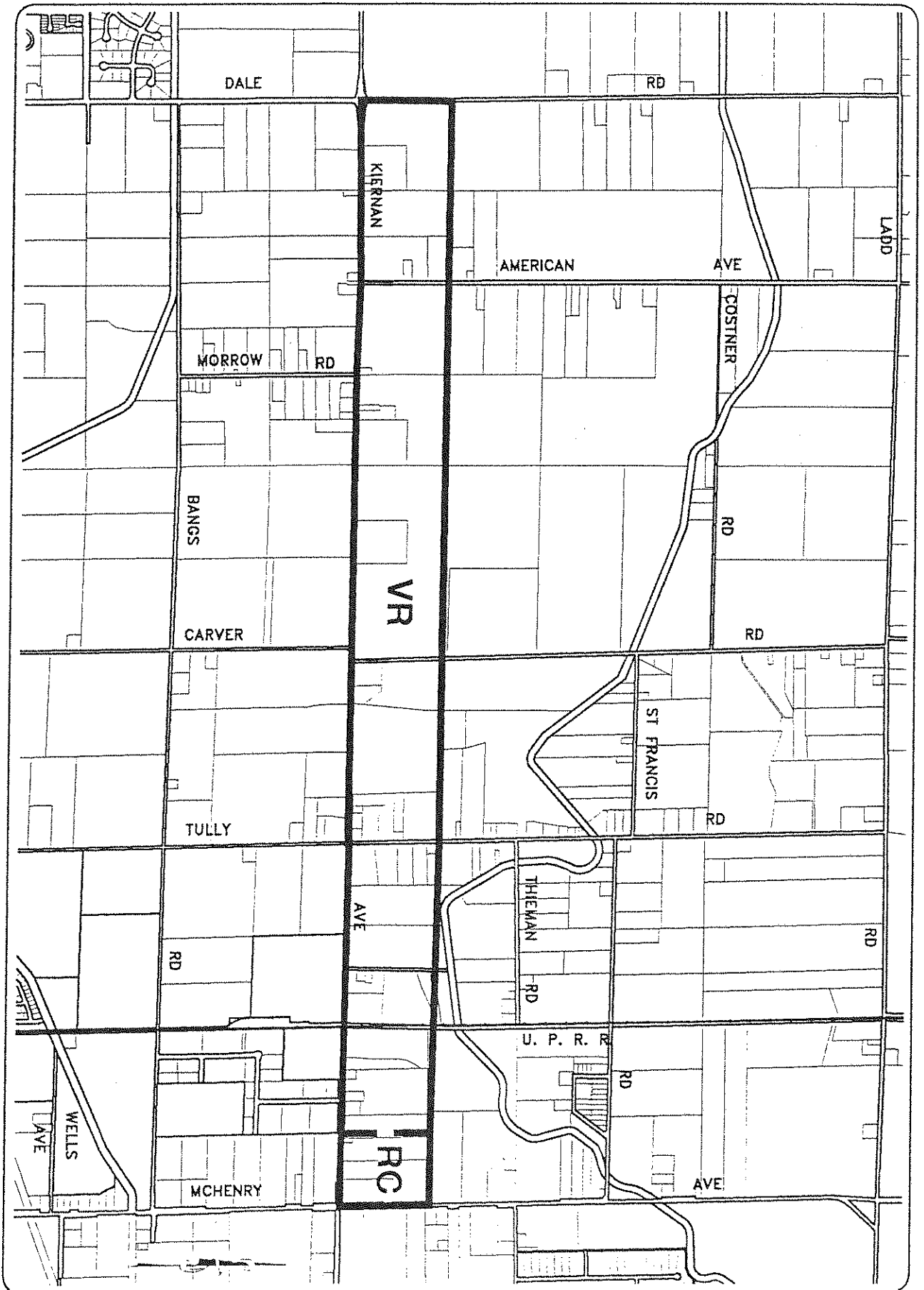


Exhibit III-16

PARADISE/CARPENTER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

810

This ~~1,470~~ acre Comprehensive Planning District promotes predominantly "Village Residential" uses. ~~The northern portion of this Comprehensive Planning District takes access to Highway 132.~~ The eastern boundary of this Comprehensive Planning District would take access to a future Carpenter Road Expressway.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

810

- ~~1,470~~ acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

The support commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of ~~7,500~~^{4,100} dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is already served by the West Sanitary Sewer Trunk.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of ~~7,500~~^{4,100} dwelling units was assumed for this Comprehensive Planning District.
- b. A total of ~~1,200~~⁶⁰⁰ employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

PARADISE/CARPENTER C.P.D.

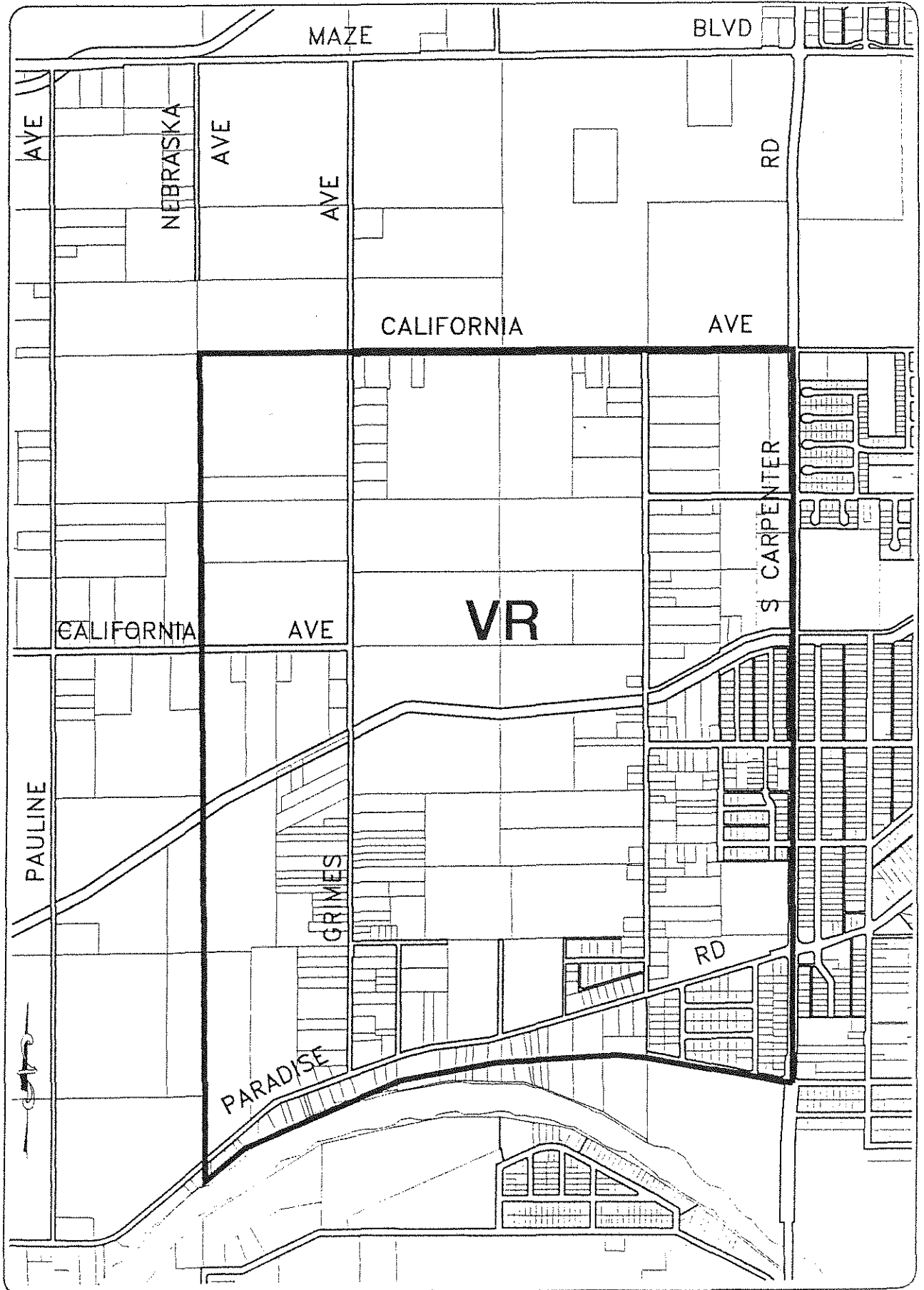


Exhibit III-17

PARADISE/MAZE

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,580-acre Comprehensive Planning District proposes mixed-use, pedestrian-oriented "Village Residential" development. This Comprehensive Planning District is bounded by the future Dakota Avenue expressway to the west, and the Tuolumne River park to the south.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,580 acres designated "Village Residential"

b. Distribution of Land Uses Within the CRD

Supporting commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

DELETED

(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 8,000 dwelling units.

(2) Adequate buffering shall be provided between the residential uses and the Business Park uses to the north.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District represents the first increment of urban growth beyond the current General Plan boundary. Significant infrastructure is needed: a "force main" from a West No. 2 Trunk in Stone Avenue at Paradise Road easterly to Paradise Road near Carpenter Road; and a new gravity main easterly and parallel to the West Trunk to the primary treatment plant at the foot of Sutter Avenue.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of 8,000 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 1,300 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District shall be determined by the Comprehensive Plan.

DELETED

PARADISE/MAZE C.P.D.

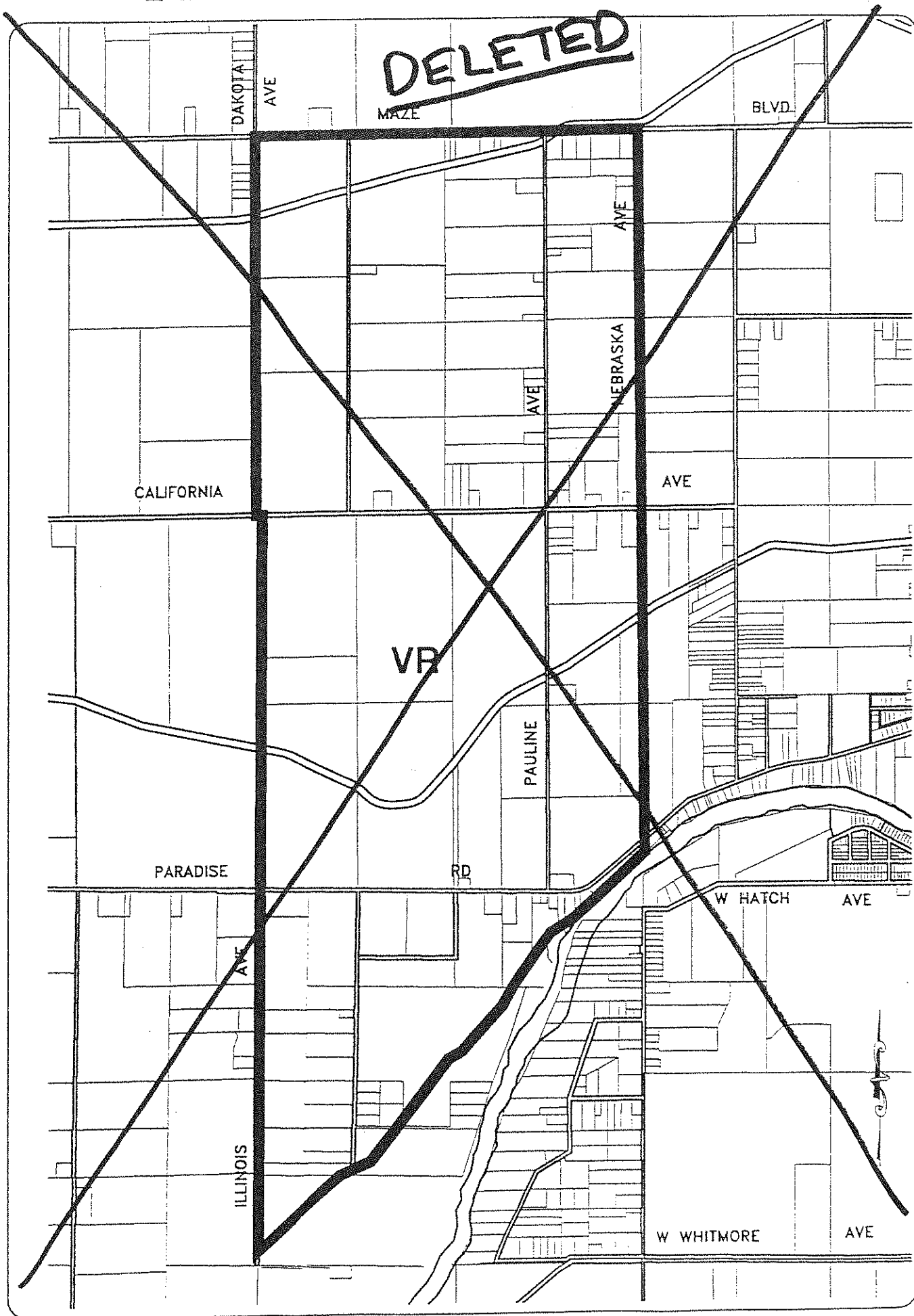


Exhibit III-23

STANISLAUS RIVER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ⁸¹⁰~~770~~-acre Comprehensive Planning District is intended to provide for a regional park along the Stanislaus River, ~~extending south as far as Ladd Road.~~

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- ⁸¹⁰~~770~~ acres designated "Open Space"

b. Distribution of Land Uses Within the CPD:

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed, as provided by the Open Space Land Use Designation presented in Section III-B.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served with sanitary sewer from the adjacent Stoddard Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 80 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

- a. The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
- b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.

STANISLAUS RIVER C.P.D.

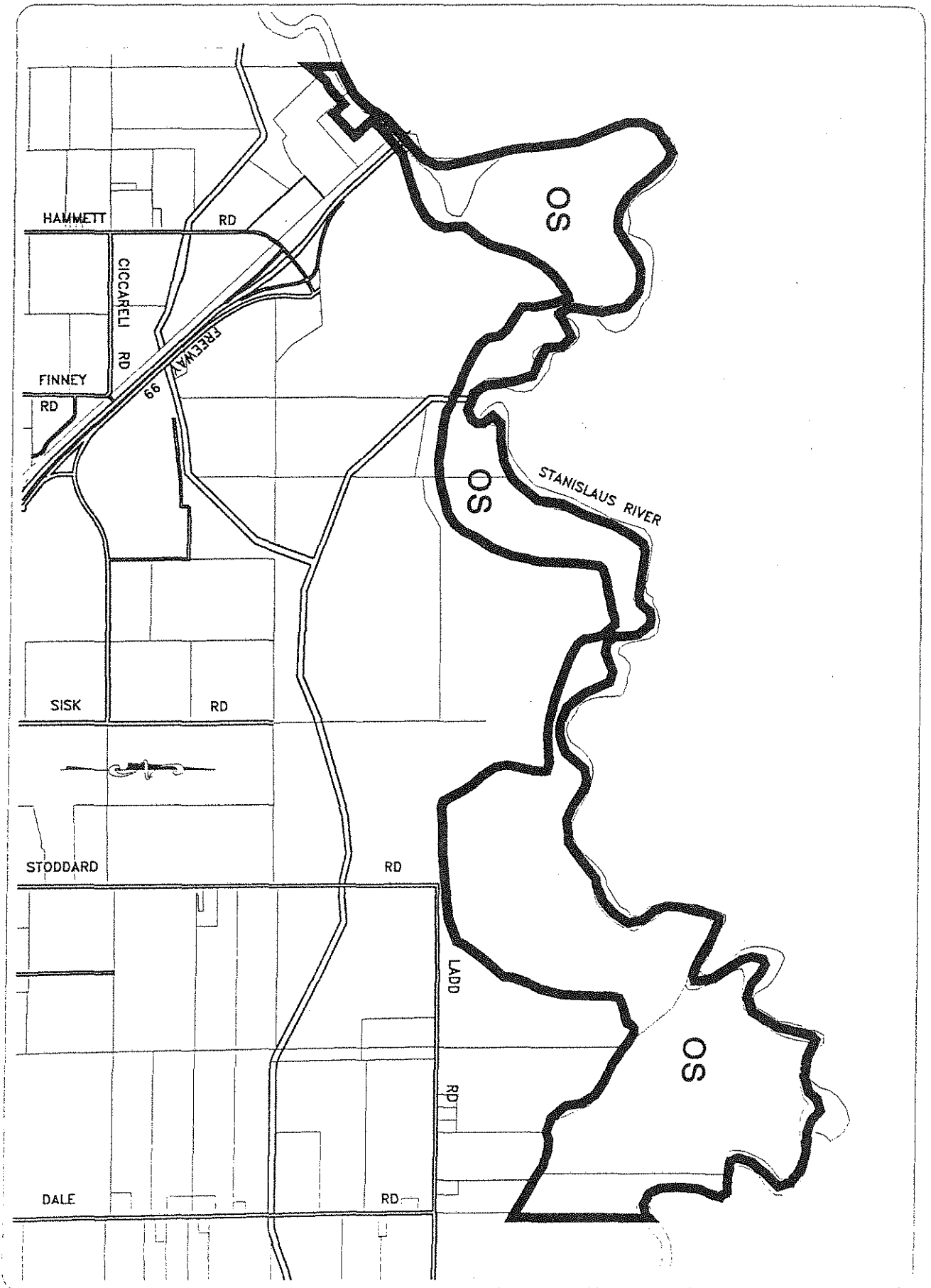


Exhibit III-24

STODDARD

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ^{1,200}~~900~~-acre Comprehensive Planning District proposes a mixed-use pedestrian-oriented "Village" south of the Stanislaus River park, and a business park along Stoddard Road.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- ⁸²⁰~~520~~ acres designated "Village Residential"
- 380 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD:

The Support Commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,700 dwelling units.
- (2) Adequate buffering should be provided between the proposed Business Park and the proposed Village Residential uses.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served by a westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City's north end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

6. Focused EIR:

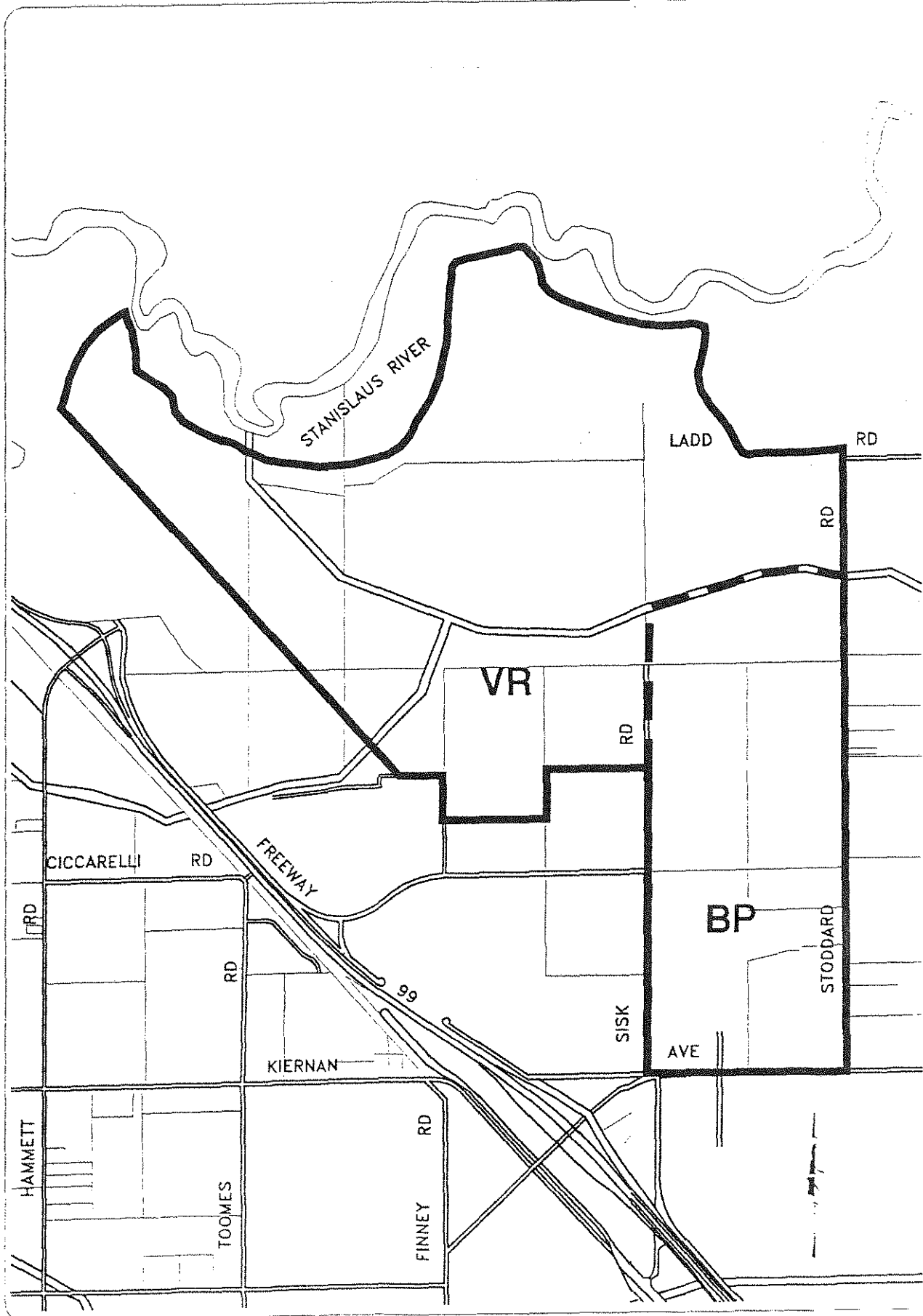
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 2,700 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 13,700 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

STODDARD C.P.D.



STODDARD/DALE

COMPREHENSIVE PLANNING DISTRICT

1. Overview

1180
This ~~900~~-acre Comprehensive Planning District proposes a mixed-use pedestrian-oriented "Village" south of the Stanislaus River park, and a business park along ~~Stoddard Road~~
Kiernan Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- ~~520~~⁸⁶⁰ acres designated "Village Residential"
- ~~380~~³²⁰ acres designated "Business Park"

b. Distribution of Land Uses Within the CPD:

The Support Commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of ~~2,700~~ ^{3,300} dwelling units.
- (2) Adequate buffering should be provided between the proposed Business Park and the proposed Village Residential uses.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served by a westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City's north end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of ~~2,700~~ ^{3,300} dwelling units was assumed for this Comprehensive Planning District.
- b. A total of ~~13,700~~ ^{11,700} employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

STODDARD/DALE C.P.D.

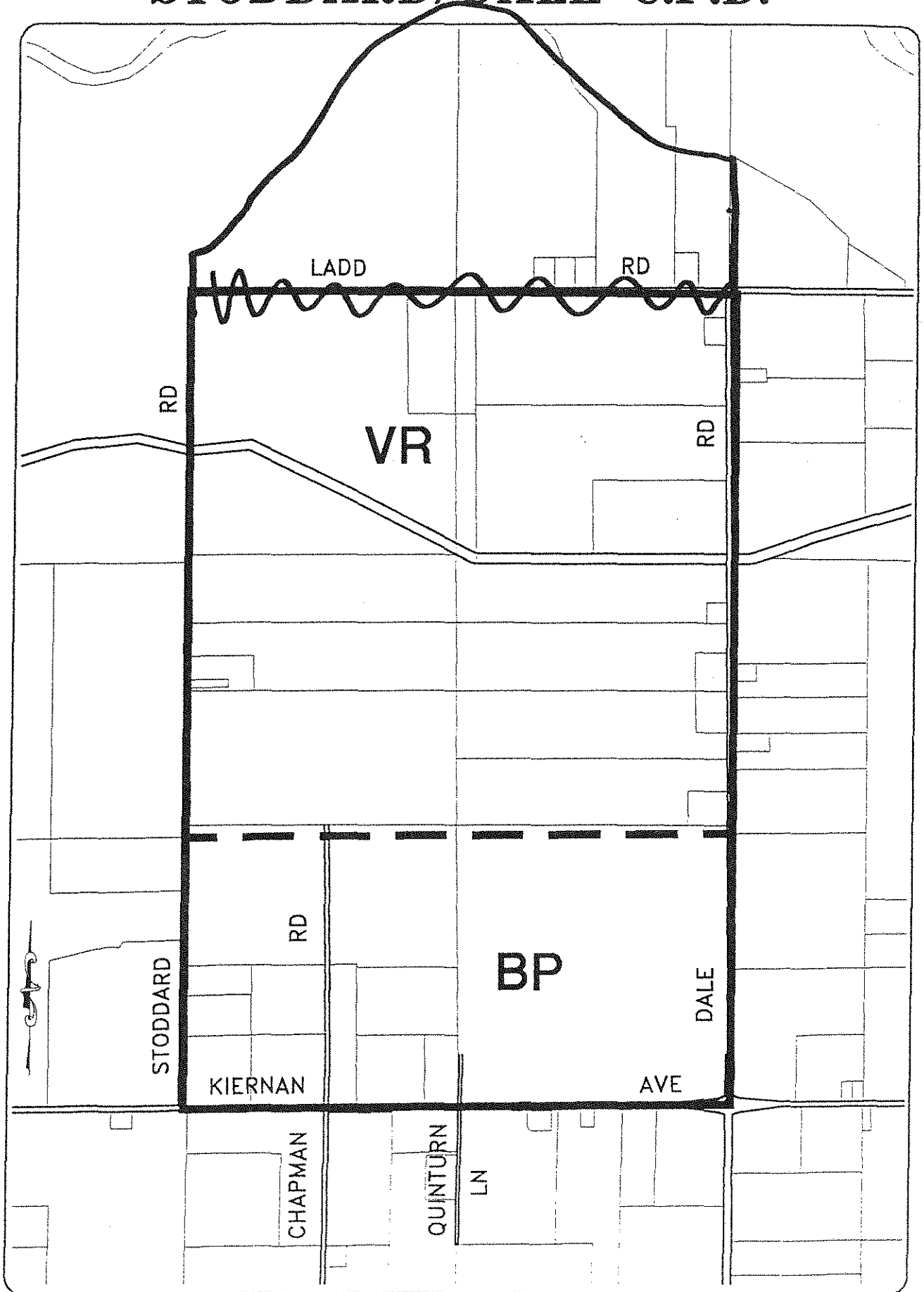


Exhibit III-25

TUOLUMNE RIVER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This ^{1,380}~~4,780~~-acre Comprehensive Planning District contains a significant amount of public land, owned by a joint powers agreement between the cities of Modesto, Ceres, and Stanislaus County. A linear park is anticipated in this Comprehensive Planning District.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

^{1,380}
- ~~4,780~~ acres designated "Open Space"

b. Distribution of Land Uses Within the CPD:

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed, as provided by the Open Space Land Use Designation presented in Section III-B.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will take its sanitary sewer service from adjacent Comprehensive Planning Districts.

6. Focused EIR:

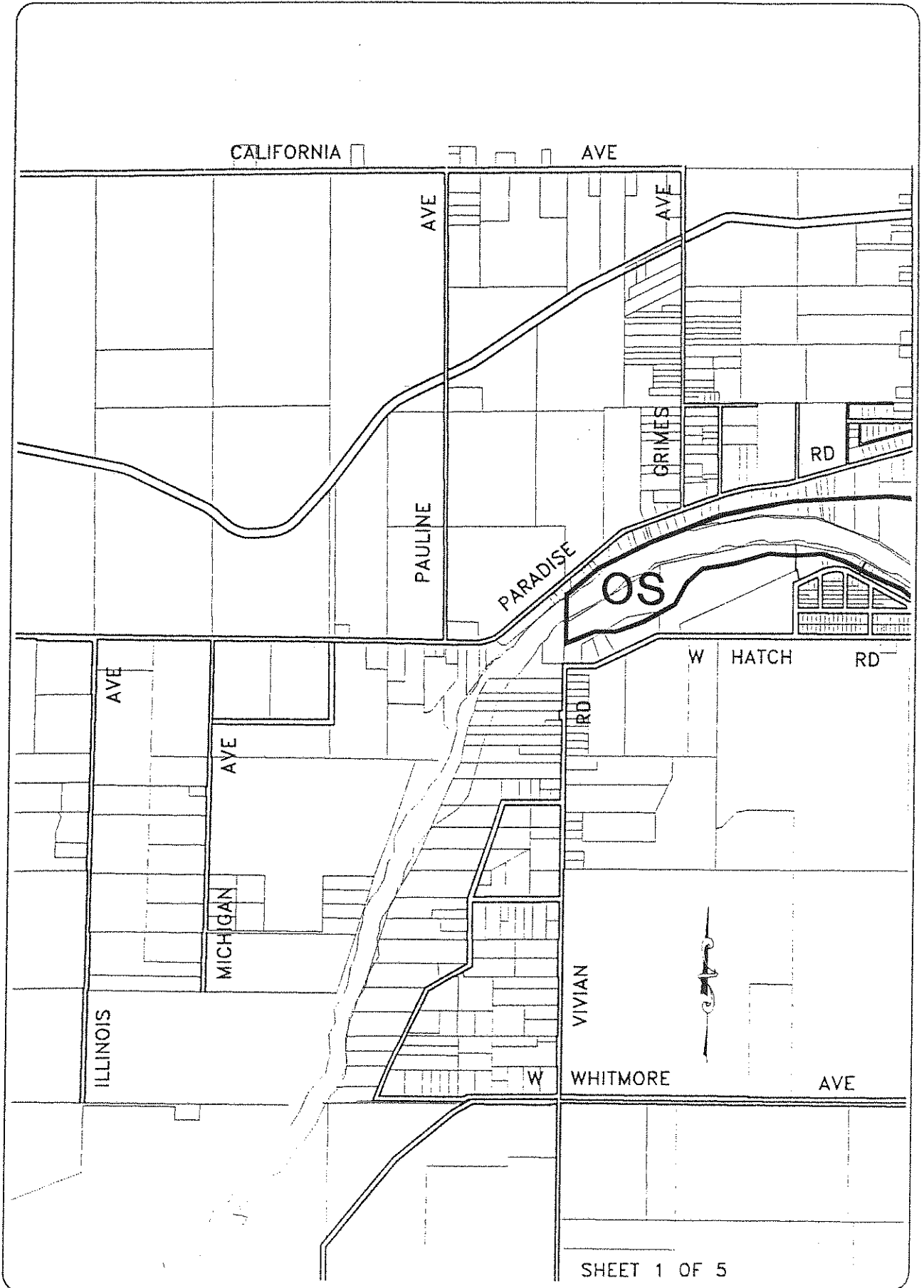
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of ¹³⁰~~180~~ dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

- a. The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
- b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.

TUOLUMNE RIVER C.P.D.



WHITMORE/CARPENTER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

⁶⁹⁰
This ~~850~~ acre Comprehensive Planning District located south of the Tuolumne River proposes predominantly "Village Residential" uses.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

⁶⁹⁰
- ~~850~~ acres designated "Village Residential", of which approximately 120 acres is a landfill site.

b. Distribution of Land Uses Within the CPD:

Support commercial uses in this Comprehensive Planning District should be located to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of ~~4,300~~ dwelling units.
^{3,500}

- (2) The landfill located in this Comprehensive Planning District presents a significant design constraint. This constraint should be addressed in the Comprehensive Plan.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a new South No. 2 Sanitary Sewer Trunk over Tuolumne River to the primary treatment plant at the foot of Sutter Street.

6. Focused EIR:

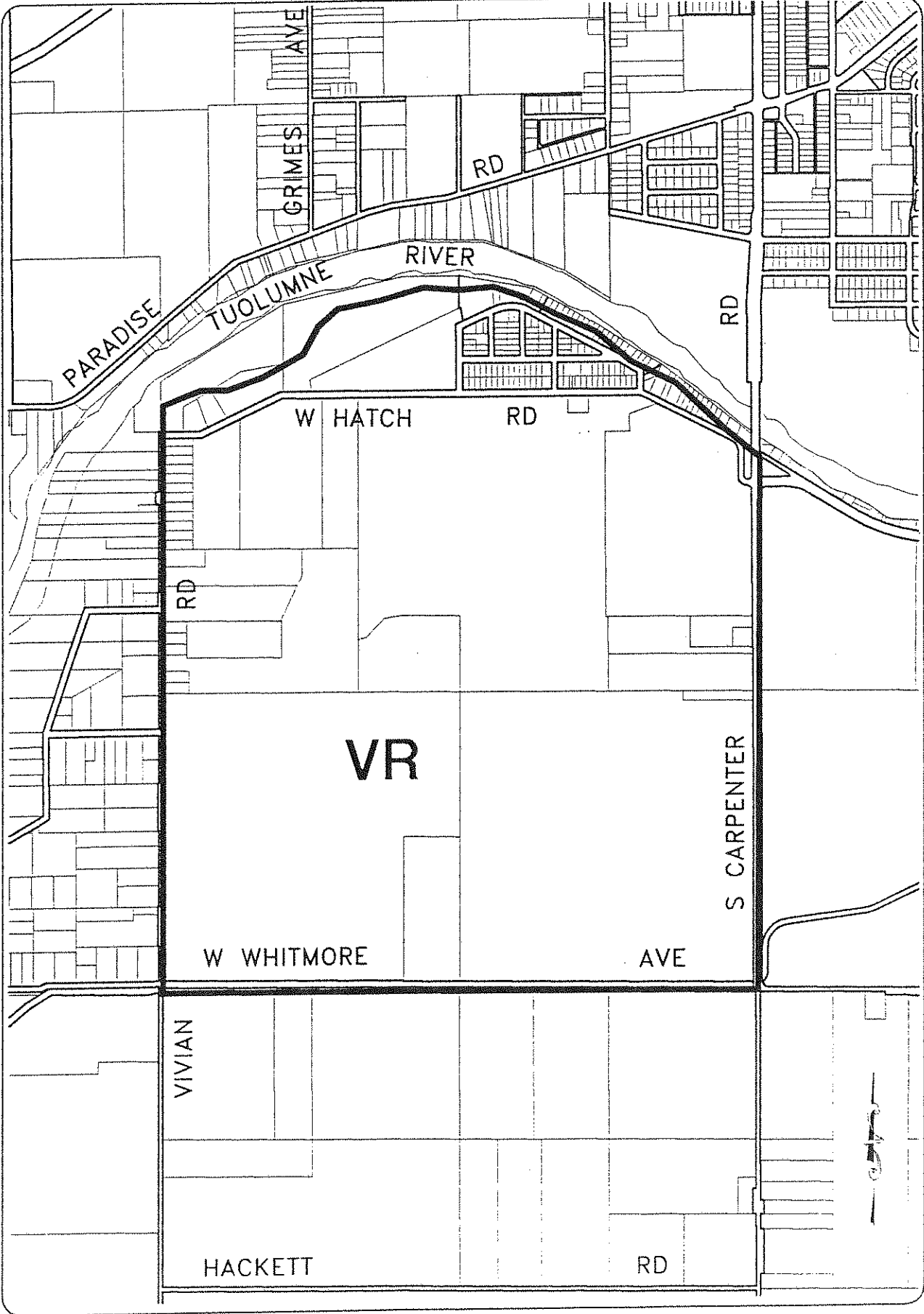
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of ^{3,500}~~4,300~~ dwelling units was assumed for this Comprehensive Planning District.
- b. A total of ⁵⁰⁰~~700~~ employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between this Comprehensive Planning District and the Tuolumne River Comprehensive Planning District shall be determined by the Comprehensive Plan.

WHITMORE/CARPENTER C.P.D.



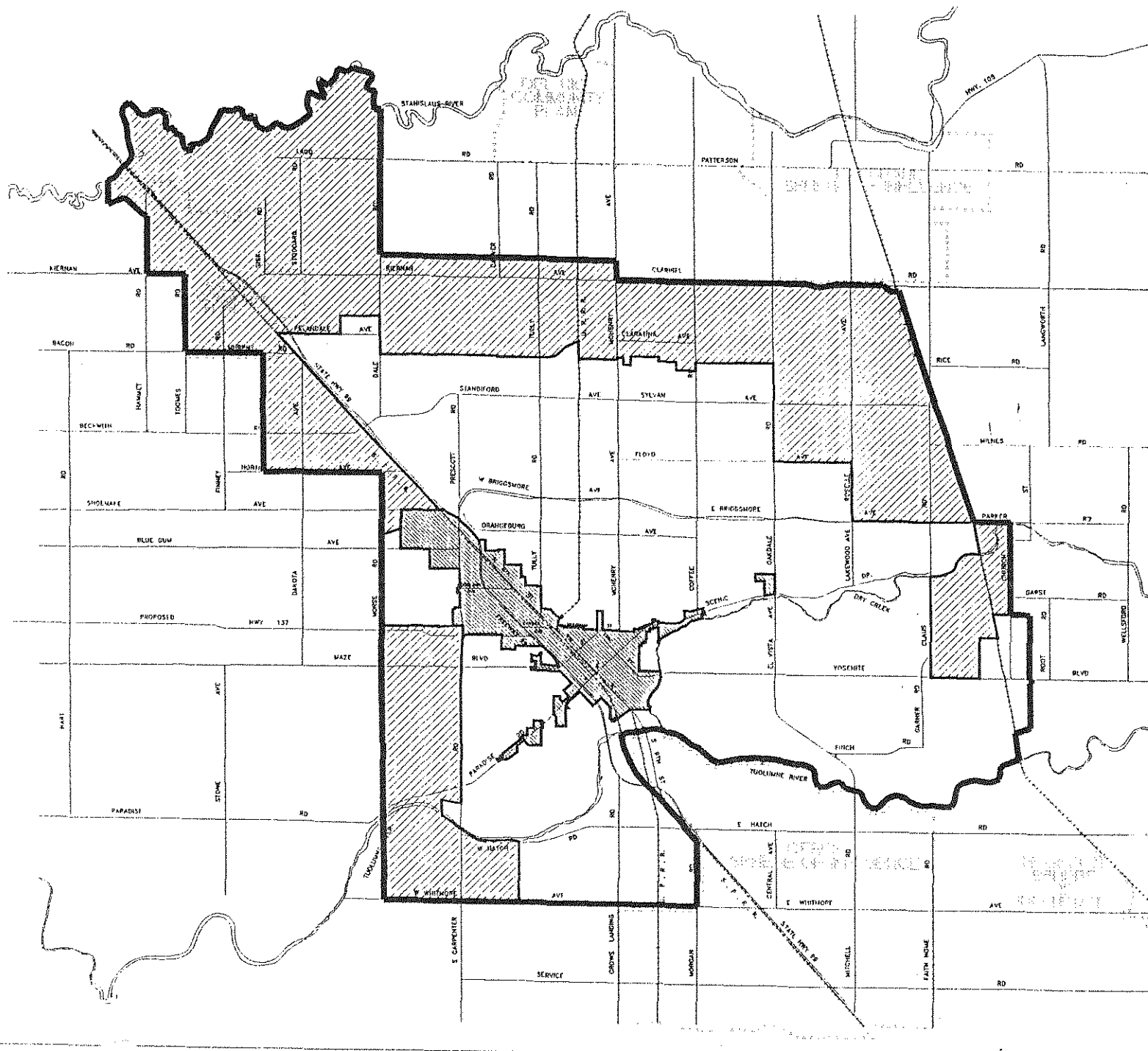
Attachment B

REVISED MAPS IN THE GENERAL PLAN



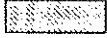
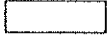

CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure H-1
GROWTH STRATEGY
DIAGRAM





LEGEND

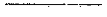

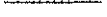


DESIGNATIONS

-  REDEVELOPMENT AREA
-  BASELINE DEVELOPED AREA
-  PLANNED UPBUILDING AREA

BOUNDARY LINES

-  GENERAL PLAN BOUNDARY
-  BOUNDARY BETWEEN DESIGNATIONS

REFERENCE POINTS

-  STIPPLES
-  FREEWAYS
-  RAILROADS
-  RIVERS
-  ADJACENT COMMUNITY BOUNDARY



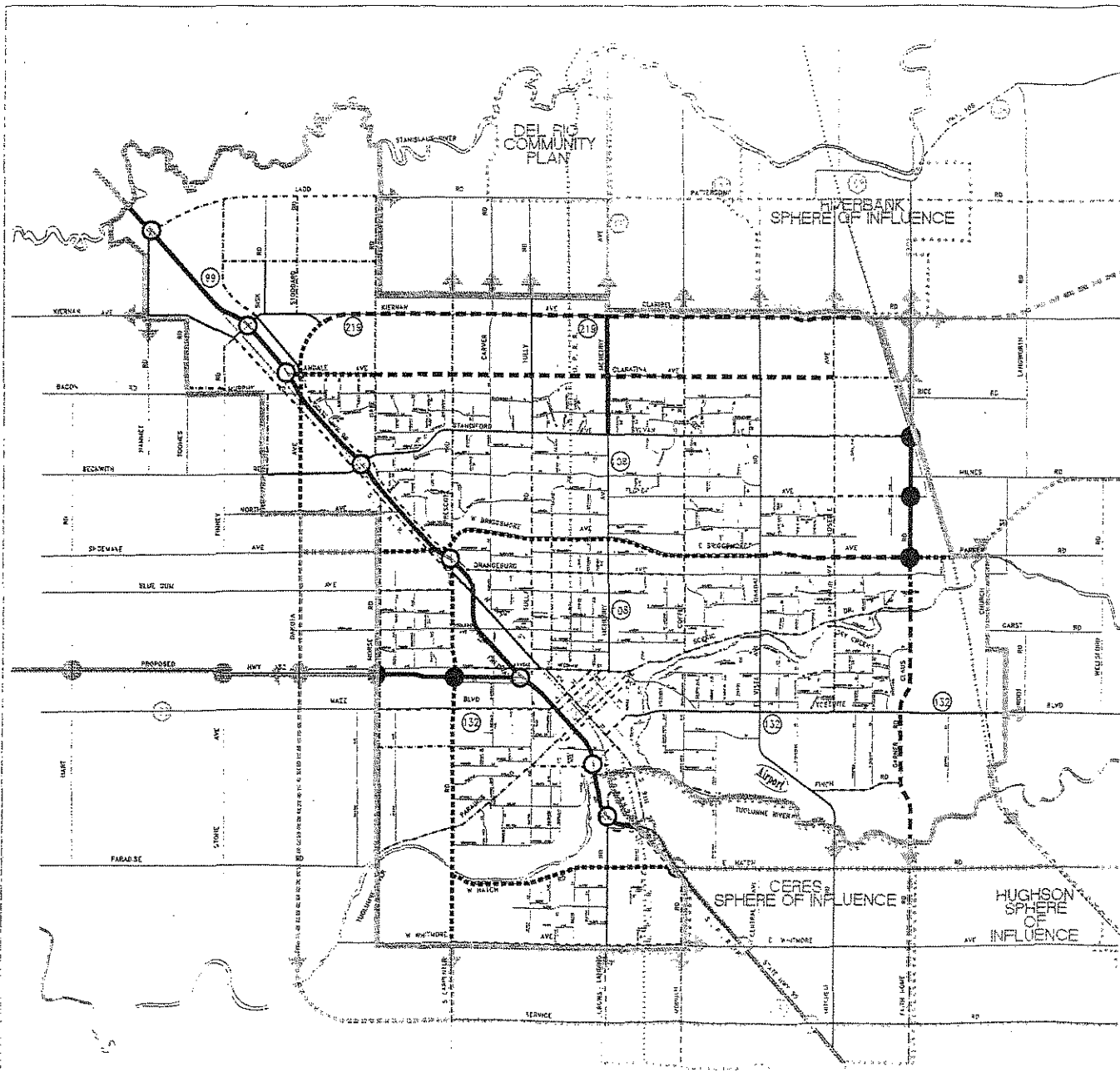


CITY OF MODESTO

GENERAL PLAN PROGRAM

Figure T-1

CIRCULATION AND TRANSPORTATION DIAGRAM

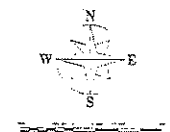


LEGEND

- FREEWAY 99**
Circle represents grade separated interchange, the only mode of access.
- CLASS A EXPRESSWAYS**
Circle represents grade separated interchange, the only mode of access.
- CLASS B EXPRESSWAYS**
No grade interchanges or interchanges with collector roads, 4 to 6 lanes, 40 to 60 mph.
- CLASS C EXPRESSWAYS**
All grade interchanges or interchanges with collector roads, 4 to 6 lanes.
- PRINCIPAL ARTERIAL**
6 travel lanes.
- PRINCIPAL ARTERIAL**
6 travel lanes.
- MINDRI ARTERIAL**
4 travel lanes.
- MAJOR COLLECTOR**
4 travel lanes.
- MINOR COLLECTOR**
2 travel lanes (shown only in developed areas).
- AIRPORT**
- RAILROAD**
- STATE HIGHWAY DESIGNATION**
(Route Number)
- Indicates that these streets cross outside the boundary of the Modesto Area General Plan - Designations outside the city boundary are illustrative only subject to Stanislaus County's jurisdiction.**
- Indicates that these streets cross outside the boundary of the Modesto Area General Plan.**

REFERENCE POINTS

- GENERAL PLAN BOUNDARY**
- ADJACENT COMMUNITIES BOUNDARY**
- RIVERS**





CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure V-3
SANITARY SEWER
TRUNK LINES
DIAGRAM

LEGEND

DESIGNATIONS

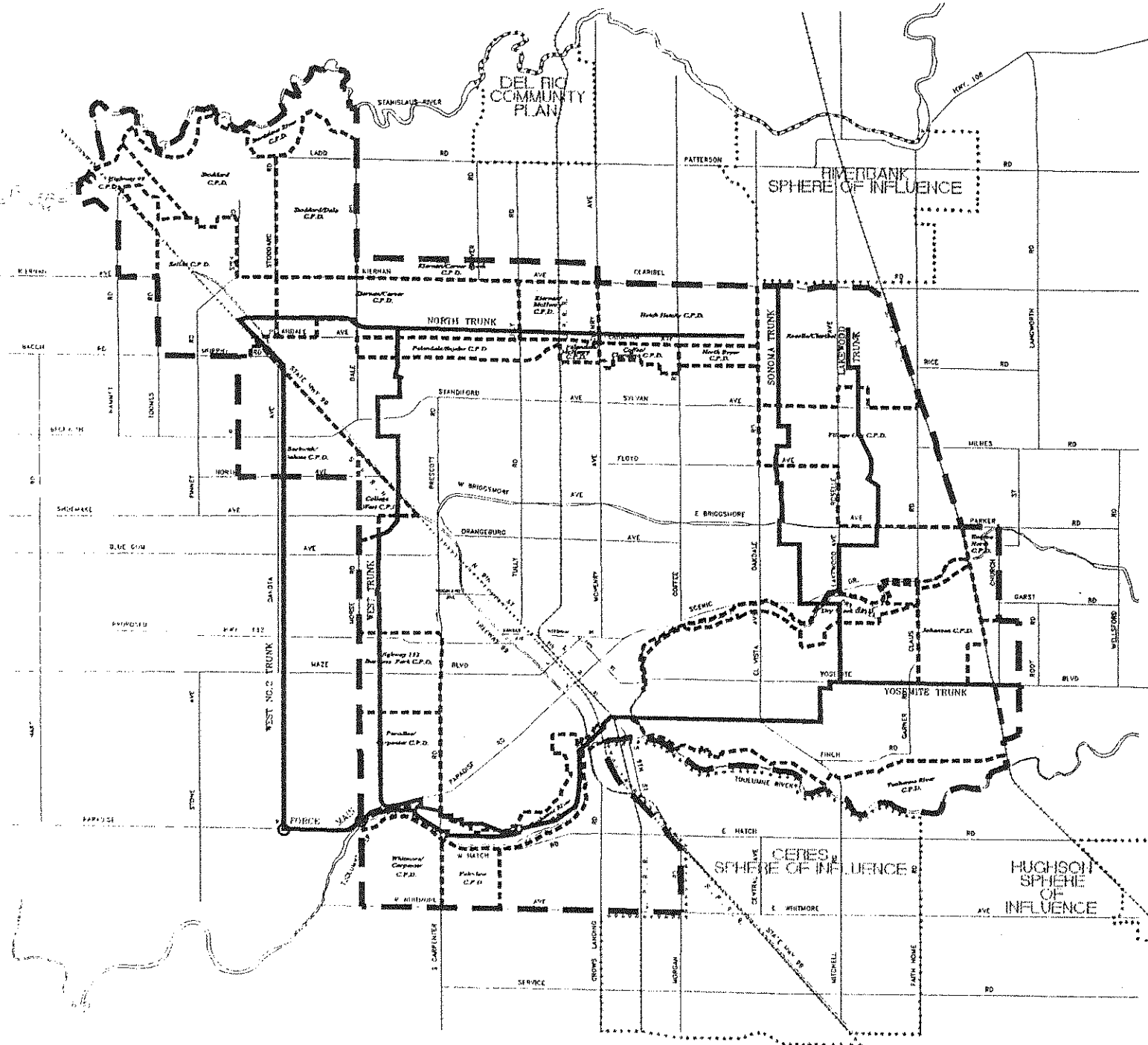
- Sewer Trunk Lines
- Force Main

BOUNDARIES

- Comprehensive Planning District boundary
- General Plan boundary
- Adjacent Communities boundary

REFERENCE POINTS

- STREETS
- FREEWAYS
- RAILROADS
- RIVERS



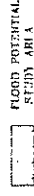


CITY OF MODESTO
GENERAL PLAN PROGRAM

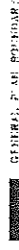
Figure 712
**FLOOD POTENTIAL
DIAGRAM**

LEGEND

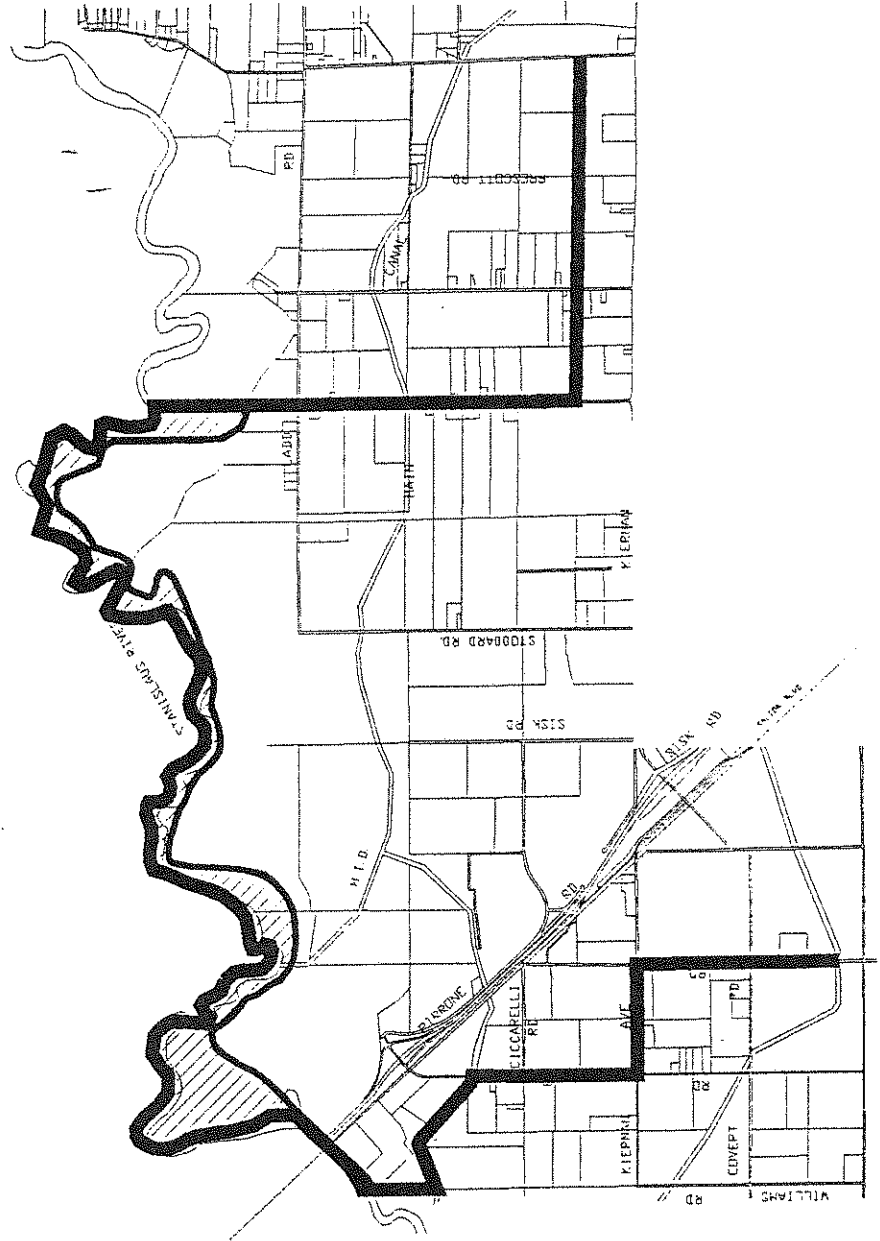
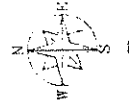
DESIGNATIONS

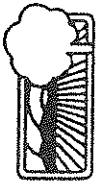


BOUNDARY LINES



REFERENCE POINTS
(for illustration only, not adopted)





CITY OF MODESTO
GENERAL PLAN PROGRAM

FLOOD POTENTIAL ZONE

LEGEND

DISSEMINATED

MINUTE 15
17 BY 1984

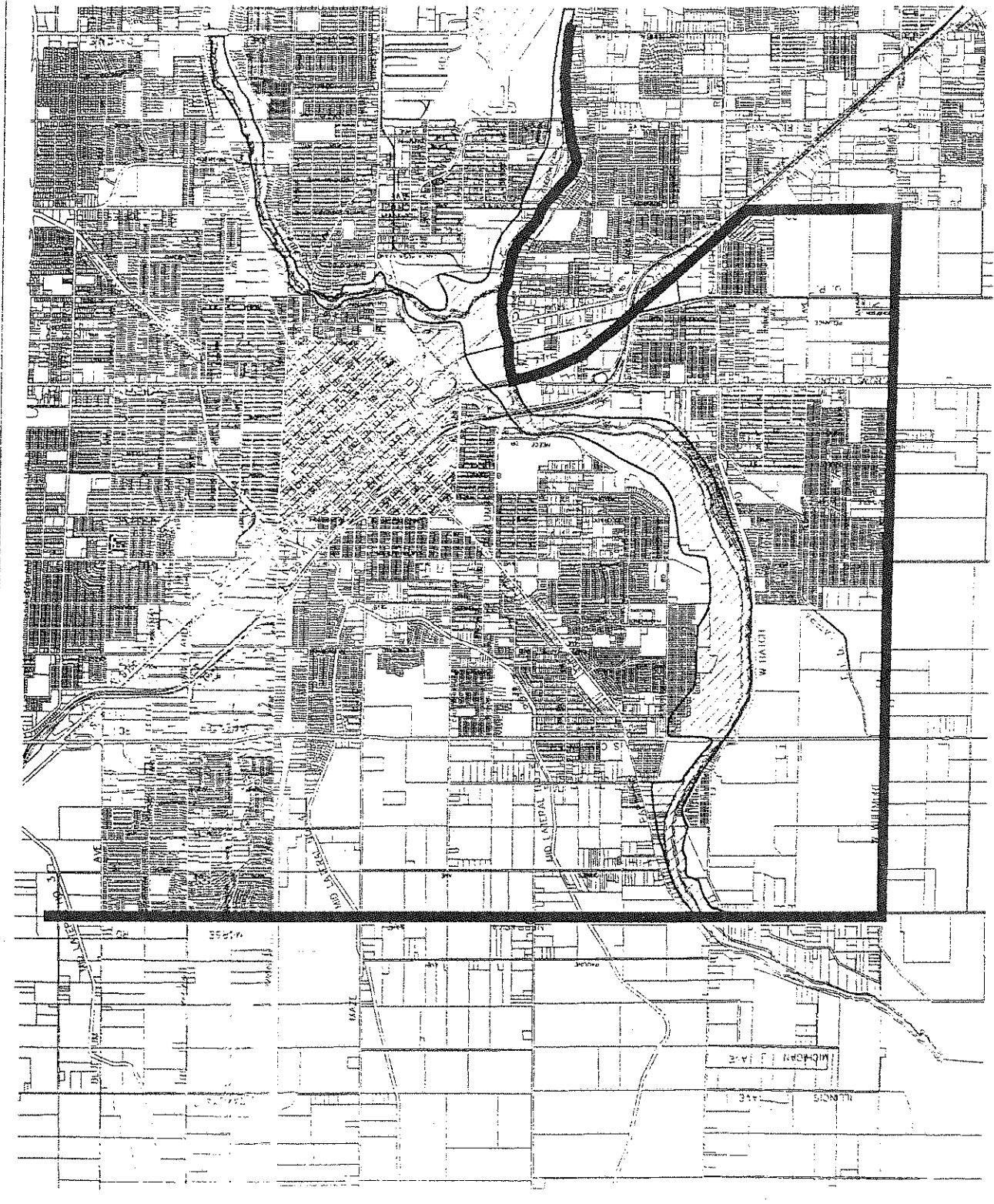
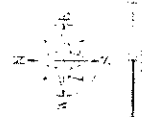
BOUNDARY LINE:

GENERAL PLAN PROGRAM



REFERENCE POINTS
(For illustration only)

- STREETS
- FIRE LINES
- RAILROADS
- RIVERS



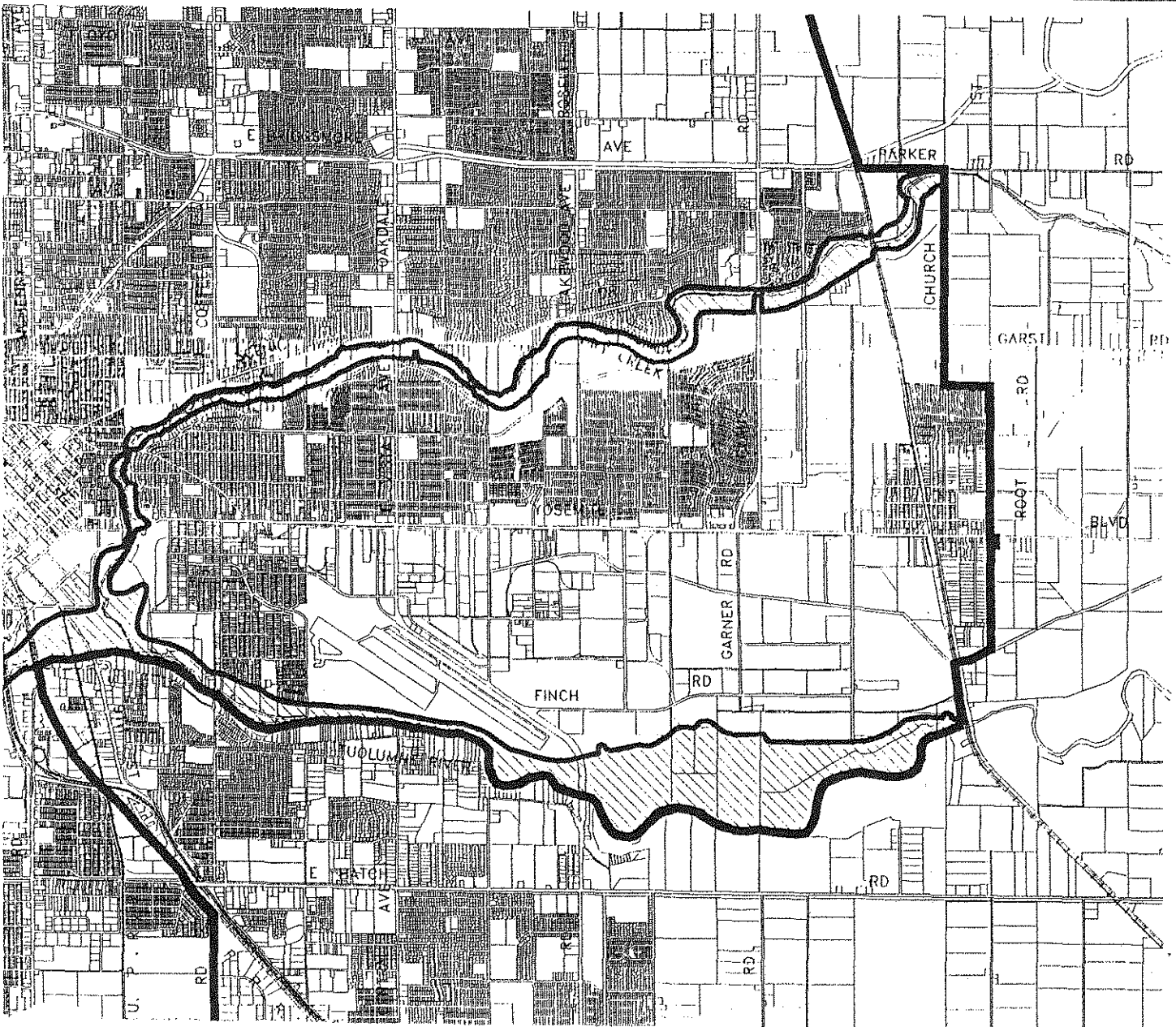
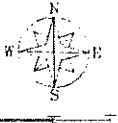


CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure VI-2
FLOOD POTENTIAL
DIAGRAM

LEGEND

- BOUNDARY LINES
GENERAL PLAN BOUNDARY
- REFERENCE POINTS
(For illustration only; not adopted)
- STREETS
 - FREEWAY
 - RAILROADS
 - RIVERS



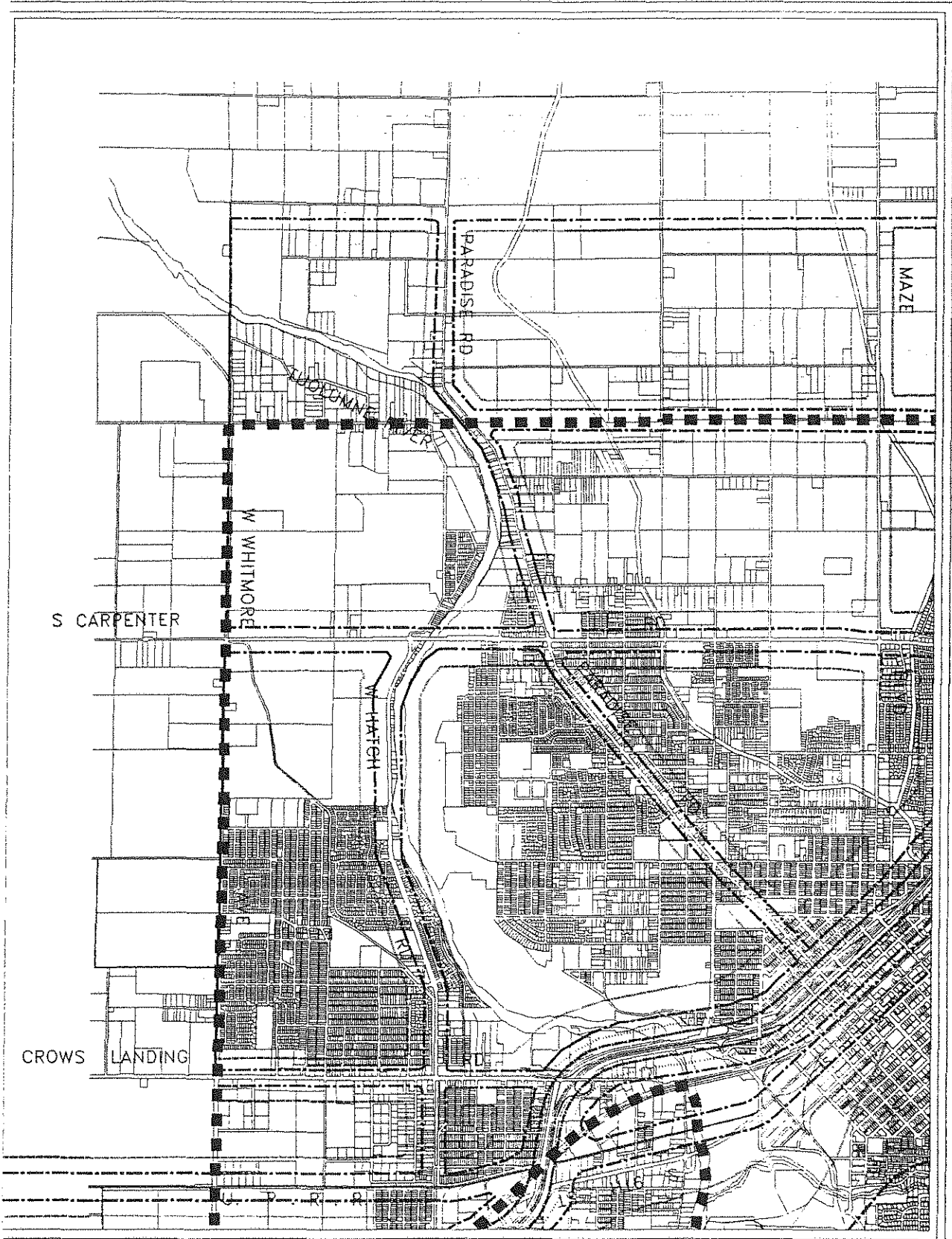
CITY OF MODESTO
MEMORANDUM

July 31, 1995

TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Noise Contour Diagram

Attached are the revised Noise Contour Diagrams for the General Plan, referred to in Issue Paper #4 (located in Attachment 4 of your binder). These maps fit into Attachment B of Issue Paper #4.

Attachment



CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure 3-2
NOISE CONTOURS

LEGEND

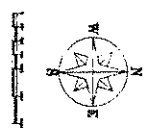
- SOLID —
- DASHED ---
- - - - - DOTTED - - - - -
- □ □ □ □
- ■ ■ ■ ■

- RAILROAD —
- STREET —
- FERRY WAY —
- BUILDING —
- SERVICE —

DAY NIGHT AVERAGE SOUND LEVEL (DNL) IN DECIBELS (dB) BY LEVY MOORE CONSULTING

REFERENCE: 1980-11-15 (not adopted)

DATE: 1980-11-15





CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure 3-2

NOISE CONTOURS

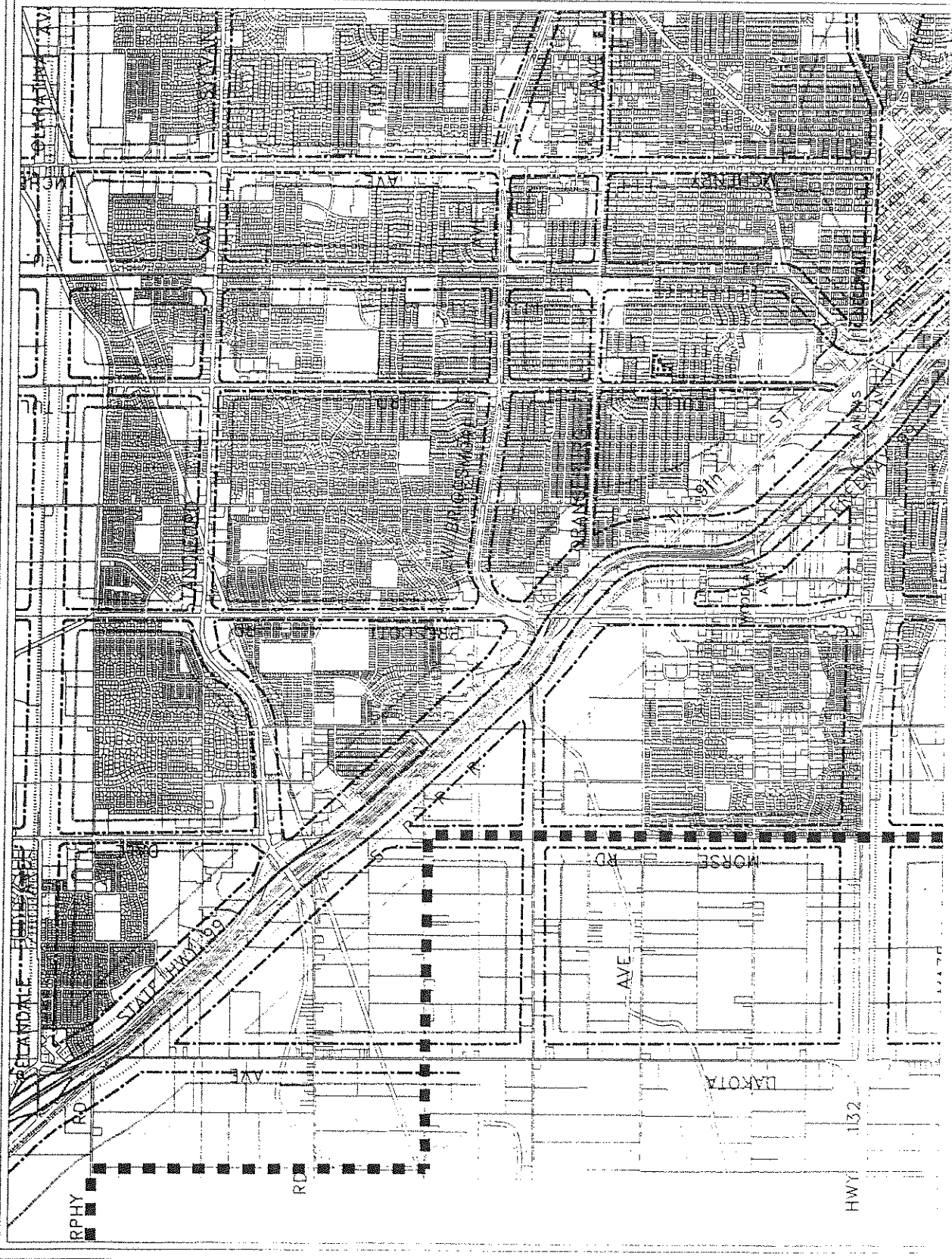
LEGEND

- ROCK
- ASPH
- POBLS
- SLPNS
- GENERAL PLAN BOUNDARY

DAY NIGHT AVERAGE SOUND LEVELS (DNL) 65 DBN, 70 DBN, 75 DBN, 80 DBN

REFERENCE: UNITED STATES DEPARTMENT OF TRANSPORTATION

NOISE CONTOUR MAPS
FOR HIGHWAYS
JAN 72
FED RAILROAD ADMINISTRATION
NOV 65





CITY OF MODESTO
GENERAL PLAN PROGRAM

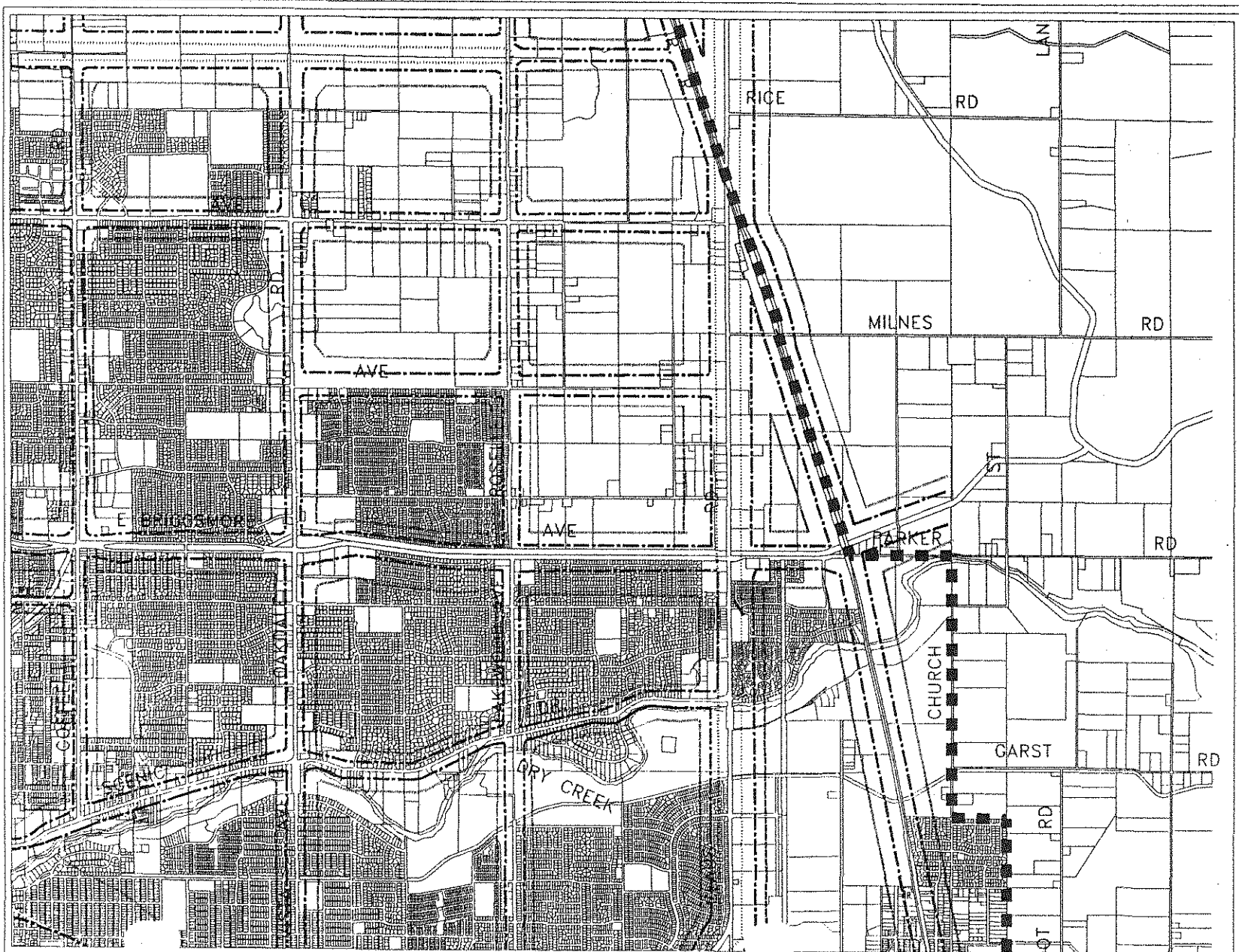
Figure 3-2
NOISE CONTOURS

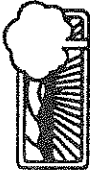
LEGEND

- 60LDN
- 65LDN
- 70LDN
- 75LDN
- ■ ■ ■ ■ GENERAL PLAN BOUNDARY

DAY NIGHT AVERAGE SOUND LEVEL (LDN)
(60 DECIBEL (LDN), 65 LDN, 70 LDN, 75 LDN NOISE CONTOURS)

- REFERENCE POINTS
(For illustration only; not adopted)
- STREETS
 - FREEWAY
 - RAILROADS
 - RIVERS





CITY OF MODESTO
GENERAL PLAN PROGRAM

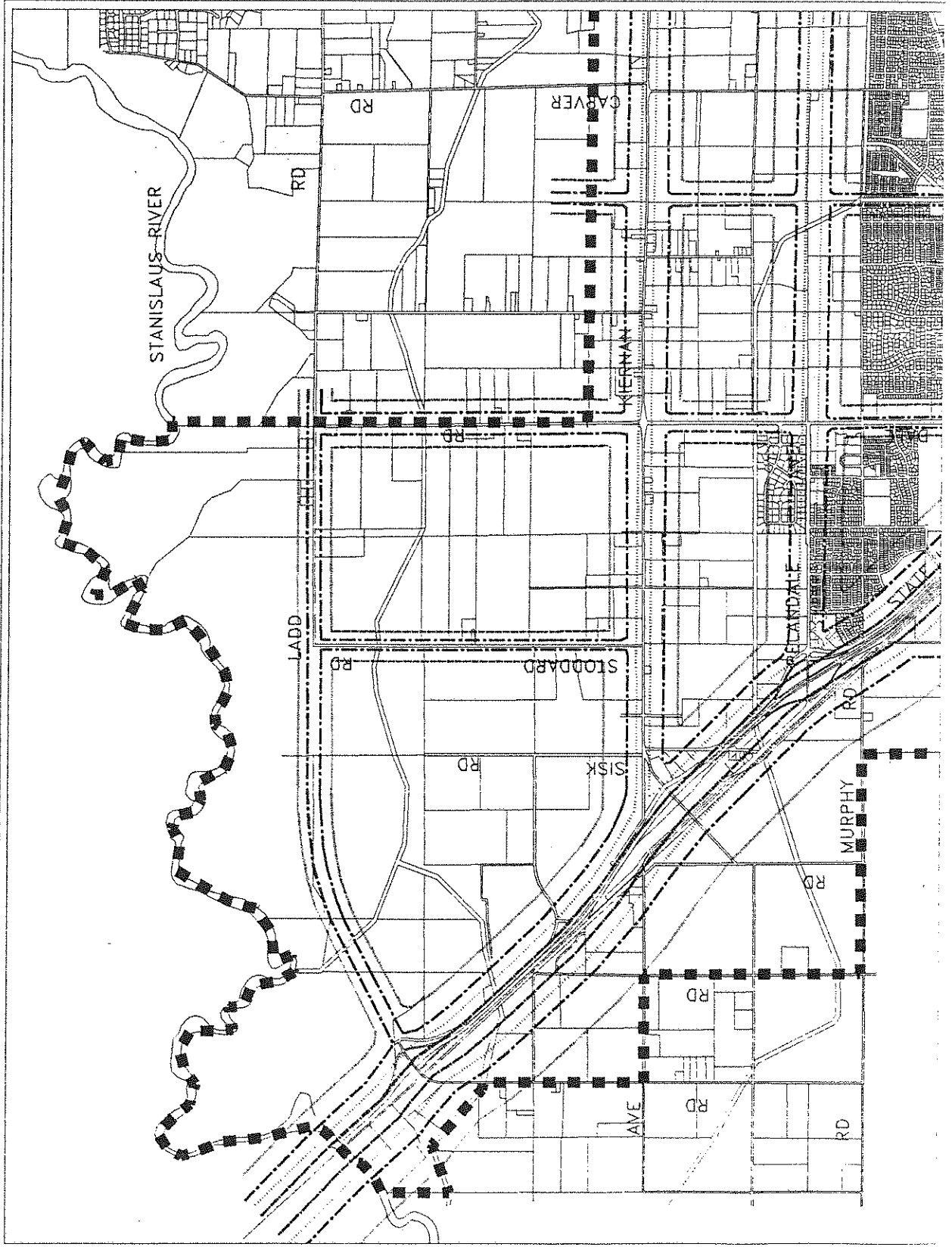
Figure 3-2
NOISE CONTOURS

LEGEND

- 60 LBN
- 65 LBN
- 70 LBN
- 75 LBN
- GENERAL PLAN BOUNDARY

NOISE LEVEL (REFERENCE SOUND LEVEL) (LBN)
(60 DECIBEL (dBA) OR LESS, 65-70 DECIBEL (dBA) CONTOURS)

- REFERENCE BOUNDARY (not adopted)
- STREETS
- RAILROADS
- ROADWAYS
- RIVERS





CITY OF MODESTO
GENERAL PLAN PROGRAM

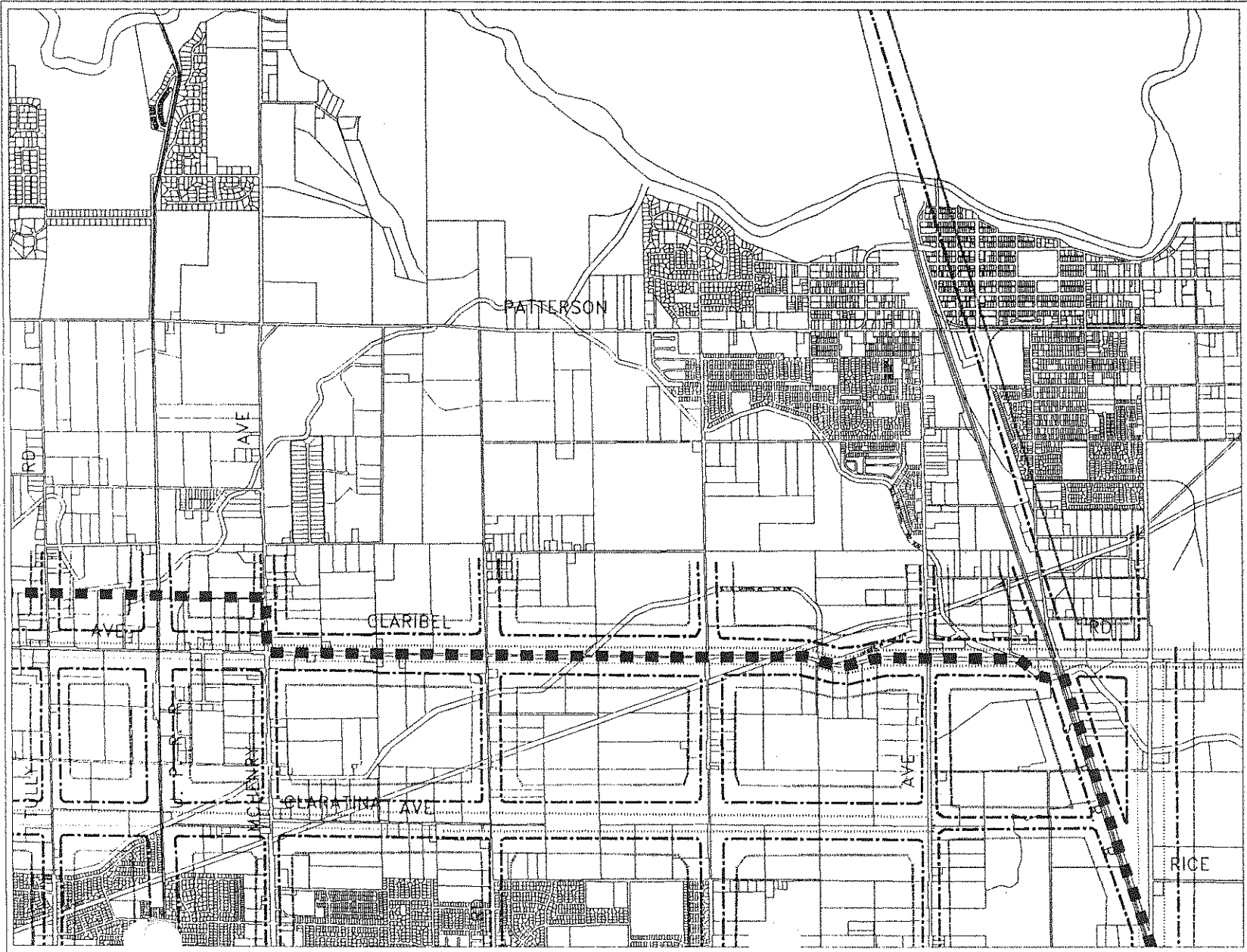
Figure 3-2
NOISE CONTOURS

LEGEND

- 80LDN
- 65LDN
- 70LDN
- 75LDN
- ■ ■ ■ ■ GENERAL PLAN BOUNDARY

DAY NIGHT AVERAGE SOUND LEVEL (DNL)
(50 DECIBEL (LDN), 65 LDN, 75 LDN NOISE CONTOURS)

- REFERENCE POINTS
(For illustration only; not adopted)
- STREETS
 - FREEWAY
 - RAILROADS
 - RIVER



CITY OF MODESTO

M E M O R A N D U M

July 25, 1995

TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper #5: Housing Policies

Recommendations:

Staff recommends:

1. Update the Housing Chapter Text with 9 revised Text Changes (Attachment B).
2. Replace 8 Exhibits with updated information (Attachment C).

The Community Development and Housing Committee agrees with these recommendations.

Background:

On May 19, 1992, the City adopted a comprehensive update of the Housing Element of the General Plan, in accordance with State law. On September 29, 1992, the State Department of Housing and Community Development (HCD) found the City's Housing Element in compliance with State law.

Early in the General Plan Rewrite process, staff approached HCD to seek their approval to "revise the format, but retain the content" of the 1992 Housing Element, incorporating it into the new General Plan. On April 7, 1995, the State Department of Housing and Community Development approved of this approach.

Separate from the Housing Element and General Plan Rewrite processes, the City's Housing and Neighborhoods Division has prepared the "Consolidated Plan," which is a requirement to receiving Federal Community Development Block Grant funds. The Consolidated Plan provided an opportunity to update various data relating to housing opportunities in the Modesto community.

Therefore, in an effort to keep the Housing Element as current and accurate as possible, staff is presenting 9 Text Changes and 8 Exhibit Changes for inclusion into the General Plan. Attachment A presents, for reference purposes, the locations of proposed changes in the presently proposed General Plan. There is no change in Policy direction intended or necessary at this time by the updated information provided in Attachments B and C.

Mayor and Members of the City Council
July 25, 1995
Page 2

HCD advises that the next comprehensive update of the Housing Element should be completed by June 30, 1999.

Community Development and Housing Committee Recommendation

On July 24, 1995, the Community Development and Housing Committee considered these revisions. The Committee unanimously agreed with the staff recommendation.

BRS:elc
Attachment

Attachment A

Annotated Pages from the
Planning Commission -
Proposed General Plan.

instance the El Casa Verde I and II. Other projects may be subject to advance notice provisions or have other use restrictions such as mortgage restrictions and rental assistance contracts subject to special provisions. In the event of any potential tenant displacement, the City will seek to preserve, for its low-income households, the units in assisted housing developments that are eligible to change to non-low-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

Exhibits IV-4 and IV-5 list the five-year inventory of low-income rental projects subject to termination of Federal mortgages and or rent subsidies. The projects are owned by individuals, partnerships, and nonprofit organizations.

The City estimates that by the year 1997, a total of fifteen privately-owned housing projects will technically be at-risk of converting to market rate. Seven of the projects are funded by federal rent subsidies; five are assisted by multi-family mortgage revenue bonds; and three projects with density bonuses.

1

Potentially, by the year 2002, a total of 1,244 units within the City of Modesto are at-risk, of which 383 are elderly units, and 861 are non-elderly units. Exhibit IV-6 reflects an annual summary of at-risk projects by elderly and non-elderly units, from 1992 to 1997; which reflects this Housing Element's planning period.

2

Projects financed through various local, state and federal subsidy programs provide the owners with certain incentives to make the cost of operating the project more economically feasible and help allow the cost of renting the unit to be more affordable to lower-income families.

It has come to the City's attention that the project owners of the Westdale Commons intend to refinance their mortgage for more favorable interest rates. Thus, when this occurs, the 44 low-income units will remain as low-income units until the year 2005.

Exhibit IV-8 indicates the Section 8 Moderate Rehabilitation units that are at-risk of conversion and should be noted in the next Housing Element Update in 1999.

a. Analysis of At-Risk Units

(1) Location and Market Area:

Several factors were considered when determining the projects that were most likely to convert to market-rate housing. Factors to consider are the location, market area, and physical condition of the units at risk. A high percentage of the at-risk projects are concentrated in low-income neighborhoods, which are plagued with a variety of economic and related social problems. Thus, these projects are not likely to convert in the near future.

The City was faced with reducing its standards for capital infrastructure, or annually, greatly increasing its deficiency of needed unfunded projects, or developing a new revenue source -- developer fees. An advisory vote on urban growth suggested that a 1987 plan whereby new growth would pay for part of its infrastructure needs wasn't enough. Growth had to pay its way without future assumptions of broad-based funding support. Consequently, the City has adopted a set of comprehensive developer fees called Capital Facilities Fees (CFF). In addition, the County has adopted Public Facilities Fees (PFF) so that new growth will finance its capital needs. In addition, fees are included for new growth areas such as the Village One Specific Plan area. Refer to Exhibit IV-11.

In addition, the school districts have a \$1.58 per square foot developer fee for residential uses. This fee does not cover total school expenses but it is all that will be collected in the City's existing urban area. New growth areas within the City's urban reserve will have to participate in a schools' Mello Roos District with anticipated cost of \$10,000 to \$12,000 per dwelling unit for the elementary school districts (K-6 and 7-8 facilities) and the high school district 9-12 facilities).

Fees for development in the new Village planning areas will probably be somewhat higher than current city-wide fees. Specific Plan area fees such as Area of Benefit Assessment districts, homeowner association dues, maintenance districts, and other special fees may be necessary to fund the required infrastructure to City standards.

Exemptions in the form of fee waivers or deferrals are available for the City's Capital Facility Fees (CFF).¹ The Stanislaus County Housing Authority and other nonprofit sponsors of housing for very-low-income households are exempt from the City's CFF, including projects to be developed in Village One. For new multi-family projects with density bonuses, serving very-low and low income households, the City's CFF can be deferred. {See Policy 33 in Section F of this Chapter for further information.}

g. Local Processing and Permit Procedures

The City of Modesto has good reputation for reasonably quick and efficient processing of development and building applications and permits. Exhibit IV-12 outlines the City's processing times and costs, as of January 1, 1991.

3

¹It must be noted that exemptions or fee deferrals pertain to the City's fees and not school district fees. According to Deborah Bailey, Modesto City Schools Director of Planning and Research, "the schools cannot afford to extend similar considerations since lower income housing tends to generate more school-age population than housing in general and therefore creates greater impacts on the schools."

before street dedications). Then gross acreage is converted to net acreage. In the case of land zoned R-1, it was assumed that 25% of the land would be needed for streets. For land zoned R-2 and R-3, it was assumed that street dedication would be minimal, since apartment projects typically rely on private driveways for internal traffic circulation, rather than public streets. Then, an average density of development (dwelling units net acre) was assumed for each zone, based on development standards for the zone and on existing project densities, to arrive at the number of potential dwelling units.

The above methodology assumes that all vacant parcels will develop by 1997. However, this category of vacant land is composed of infill parcels, and some of these parcels are not likely to develop in the near future. There are a variety of reasons for this, some economic, some relating to the physical characteristics of the parcels, and some due to other factors such as long-time ownership by a family with no intention to develop or sell. It is difficult to estimate how many of these parcels will develop, but probably no more than 50% of the potential 3,600 dwelling units will be built by 1997.

d. Assumptions for Village One

The potential dwelling unit capacity for the Village One Specific Plan area is anticipated to be 7,400 units. The actual number of units achieved will depend, to a great extent, upon the efficiency of land use and the amount of land set aside for local streets. The standard R-1, R-2, and R-3 zoning categories were not used because the range of housing types included a higher number of small lot units. Generally, the Village Residential category would equate to R-1 and the Multi-Family category would equate to R-3 zoning. Exhibit IV-17 shows the estimated number of potential dwelling units within the Village One Specific Plan Area.

e. Assumptions for the Vacant Sites in the Urban Reserve (NE McHenry and Beyer)

The potential dwelling unit capacity for the two remnant neighborhoods: (NE McHenry and Beyer) are anticipated to be 2,129 units (including 247 existing mobilehomes, located within two mobilehome parks that will be included in the annexation). The breakdown is shown on Exhibit IV-18.

f. Assumptions for the Urban Reserve, by Village and Remnant Neighborhood

Exhibit IV-19 shows the buildout estimates for the remaining areas of the Modesto Urban Reserve.

City Property Agent
Local Nonprofits (STANCO, Habitat for Humanity)

Funding Source: Initially commitment of planning staff, time, HUD Community Development Block Grants, technical and financial assistance from financial institutions, and possible Redevelopment Funds.

8. Low- and Moderate-Income Housing Fund

Program Description: Existing. State law (AB 265) required that all redevelopment project areas in the state, to set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. Furthermore, Chapter 1140, Statutes of 1989 amended the Housing Element Law to require the housing program of an Element to include a description of the use of moneys in the Redevelopment Agency's Low- and Moderate-Income Housing Fund. This fund was established with the adoption of an expanded project area in 1991. It is estimated that over the next five years there will be one million dollars accumulated in this fund. It has not yet been determined how these funds will be used. However, this Housing Chapter proposes several programs (e.g. Policies 11, 13, and 19) that could assist the Redevelopment Agency in increasing and improving the community's supply of low- and moderate-income housing.

Time Frame: To begin when tax increment funds become available (estimated to begin in 1992-1993). When this occurs, the Agency will develop a program which will set forth the means of distributing funds generated by the Redevelopment Agency.

Responsible Agency: Redevelopment Agency

Funding Source: 20% of the tax increment allocated to the Redevelopment Agency.

9. Multi-Family Mortgage Revenue Bonds (MFMRB's)

Program Description: Existing. Continue to participate in mortgage revenue bond programs when market conditions stimulate developer participation. MFMRB's provide tax-exempt low-cost financing to developers of projects who provide a portion of rental units at rents affordable to lower income households.

Time Frame: Re-evaluate annually. At this time, market-rate interest rates are low, so there is little developer interest in the program. However, if interest rates change, this program should be re-evaluated.

#5

transitional housing for homeless persons; the development of new rental housing that meet the needs of the elderly and disabled; the purchase and or rehabilitation of residential hotels; and provides home purchase assistance for first-time homebuyers.

Time Frame: Apply for funding on annual basis

Responsible Agency: City of Modesto Housing Program Office
City Non-profit Housing Corporation

Funding Source: State Bond Funds

22. Transitional Housing Program

Program Description: Existing. The City shall continue to work with HUD and the Community Temporary Shelter Services Coalition in providing transitional shelter (single family residence), and counseling services to homeless families.

Quantified Objective: Seek to provide three (3) more single-family residences between 1992-1997 for families in need of transitional shelter.

Time Frame: Ongoing. The City of Modesto Housing Program Office and the Community Temporary Shelter Services meet or confer on a monthly basis.

Responsible Agency: City of Modesto Housing Program Office and
Community Temporary Shelter Services Coalition

Funding Source: Community Development Block Grants, HUD State
Bond Funds (Prop. 107)
Federal Emergency Management Agency Funds

23. First-time Homebuyer Program

Program Description: New. Develop a Citywide program to assist first-time homebuyers of low- and moderate-income with downpayment assistance. Work with local groups such as the Association of Realtors, Mortgage Lenders Association, Building Industry Association (BIA), Modesto Chamber of Commerce, Affordable Housing Task Force, and others to establish a first-time homebuyers program.

Time Frame: 1992-1993 Contact listed groups for interest

Responsible Agency: City of Modesto Housing Program Office
Planning and Community Development Department,
Association of Realtors, BIA, Chamber of Commerce,
Mortgage Lenders Association

6

Funding Sources: General Fund, Redevelopment Tax Increment, Private Resources

24. Mortgage Credit Certificates

Program Description: New. Mortgage Credit Certificates allow first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax. Certificates are issued by a local agency (e.g. Housing Authority) and are most applicable for moderate-income households.

Time Frame: 1993: Investigate the use of Mortgage Credit Certificates

Responsible Agency: First-time Homebuyers, Planning & Community Development Department, Stanislaus County Housing Authority

Funding Source: California Debt Advisory Board, Franchise Tax Board

25. New Construction: Moderate and Above Moderate Units

Program Description: Existing. Past results revealed that private sector residential construction activity produced an estimated 9,155 new moderate- and above moderate-income housing units between 1984-1989. It is expected that the building activity in these income categories will continue, although not as many as in the previous years.

Quantified Objective: 5,000 market rate units, (or 1,000 new units per year) to be constructed at prices that meet the incomes of those households in the moderate- or above-moderate-income categories.

Time Frame: 1992-1997

Responsible Agency: Private Sector Developers

Funding Source: None Needed

26. Single Family Mortgage Revenue Bonds (SFMRB's)

Program Description: Existing. Continue to encourage the participation in Single Family Mortgage Revenue Bond programs, when market conditions stimulate developer participation. SFMRB's provide tax-exempt financing to first-time homebuyers.

Time Frame: Re-evaluate annually. At this time, market-rate interest are low, so there is little developer interest in the

Responsible Agency: City of Modesto Housing Program Office

Funding Source: HUD Rental Rehabilitation Funds, Community Development Block Grants and HOME Funds

43. Water Conservation Program

Program Description: New. The City will consider the initiation of a water conservation program. The purpose of this program would be to install and encourage the use of water conservation devices and measures in all houses rehabilitated under the City's housing rehabilitation programs.

Quantified Objective: When program is established, assist 250 households with water conservation devices.

Time Frame: By 1992-1993, consider the establishment such a program
By 1994-1997, implement program, if established

Responsible Agency: City of Modesto Housing Program Office, City Public Works (Water Conservation Division)

Funding Source: Community Development Block Grants

8

44. Emergency Home Repair Program

Program Description: Existing. Low interest loans, to repair immediate critical hazards for Modesto residents with very-low incomes, are available through the City's Housing Program Office.

Time Frame: Ongoing, as emergency requests are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

45. Handicapped Barrier Removal Program

Program Description: Existing. This program provides free technical advice on removing mobility barriers from home or property. Low interest financing is also available to handicapped homeowners living in Modesto, to assist them with removing mobility barriers from their home or property.

Time Frame: Ongoing, as requests are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

Time Frame: August 1992: El Casa Verde I and II: 142 Units (221(d)(3): [Subject to the Low-Income Housing Preservation Act (LIHPRHA)})
1993: Cameron Villa Apartments: 68 Units (221(d)(4) Parkview Christian Estates: 99 Units (231)
1994: Neighborhood Manor: 20 Sect. 8 Units (231)
1995: Vinewood Apartments: 75 Units (221(d)(4) 104 MF Mortgage Revenue Bond Units At-risk 3 Density Bonus Units At-risk
1996: Ralston Towers (236(j)(i) 84) MF Mortgage Revenue Bond Units At-risk 2 Density Bonus units at risk

Responsible Agency: City of Modesto Housing Program Office, Redevelopment Agency, County Housing Agency, County Housing Authority, HCD, HUD

Funding Source: Community Development Block Grants, HOME Funds

Additional Potential Resources: Redevelopment 20% Set-Aside Tax Increment, Stanislaus County Housing Authority Reserves. Refer to Housing Element Chapter 3.0, Preservation of At-Risk Housing Units.

G. STRUCTURE OF TECHNICAL APPENDIX

The Technical Appendix for the Housing segment of this General Plan has been expanded and now consist of two parts.

Appendix A is the actual 1992 Housing Element Technical Appendix left intact. For overall completeness, the 1992 Housing Element is included as Appendix B.

The City's Housing policy directions will continue to be included in the text of the General Plan. The Appendices A and B are included to provide background information.

#9

H. HOUSING EXHIBITS

Following are the Exhibits referred to in this Chapter. All of the Exhibits were included in the 1992 Housing Element.

Attachment B

Explanation of Proposed
Changes to Chapter IV
Housing Text.

Text Change No. 1

Proposed Change:

Expands the time horizon from the year 1997 to the year 2000.

Specific Change Proposed:

The City estimates that by the year 1997 2000, a total of fifteen privately-owned housing projects will technically be at-risk of converting to market rate. Seven of the projects are funded by federal rent subsidies; five are assisted by multi-family mortgage revenue bonds; and three projects with density bonuses.

(Reference, page IV-10 of the Proposed General Plan.)

Reason:

This presents updated information provided by the Consolidated Plan.

Text Change No. 2

Proposed Change:

Amends the number of elderly and non-elderly units at risk of converting from low-income to market rate apartments.

Specific Changes Proposed:

Potentially, by the year 2002, a total of 1,244 units within the City of Modesto are at-risk, of which ~~383~~ 169 are elderly units, and ~~861~~ 1075 are non-elderly units. Exhibit IV-6 reflects an annual summary of at-risk projects by elderly and non-elderly units, from ~~1992 to 1997~~ 1996 to 2000; which reflects this Housing Element's planning period.

(Reference, page IV-10 of the Proposed General Plan.)

Reason:

This presents updated information provided by the Consolidated Plan.

Text Change No. 3

Proposed Change:

Changes the reference year of 1991 to 1995.

Specific Change Proposed:

g. Local Processing and Permit Procedures

The City of Modesto has good reputation for reasonably quick and efficient processing of development and building applications and permits. Exhibit IV-12 outlines the City's processing times and costs, as of January 1, ~~1991~~ 1995.

(Reference, page IV-20 of the proposed General Plan.)

Reason:

The City Council adopted a new fee schedule for the processing of Development Applications.

Text Change No. 4

Proposed Change:

Increases the number of assumed dwelling units for Village One from 7,400 to 8,000.

Specific Change Proposed:

d. Assumptions for Village One

The potential dwelling unit dwelling unit capacity for the Village One Specific Plan area is anticipated to be ~~7,400~~ 8,000 units. The actual number of units achieved will depend, to a great extent, upon the efficiency of land use and the amount of land set aside for local streets. The standard R-1, R-2, R-3 zoning categories were not used because the range of housing types included a higher number of small lot units. Generally, the Village Residential category would equate to R-1 and the Multi-Family category would equate to R-3 zoning. Exhibit IV-17 shows the estimated number of potential dwelling units within the Village One Specific Plan Area.

(Reference, page IV-25 of the Proposed General Plan.)

Reason:

The original Village One Specific Plan allowed up to 8,000 dwelling units, but assumed only 7,400 dwelling units would be built. The updated policy is based on an 8,000 dwelling unit maximum capacity.

Text Change No. 5

Proposed Change:

Provides an update report on the progress made to the Low- and Moderate-Income Housing Fund Program.

Specific Change Proposed:

8. Low- and Moderate-Income Housing Fund

Program Description: Existing. State law (AB 265) required that all redevelopment project areas in the state, to set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. Furthermore, Chapter 1140, Statutes of 1989 amended the Housing Element Law to require the housing program of an Element to include a description of the use of moneys in the Redevelopment Agency's Low- and Moderate-Income Housing Fund. This fund was established with the adoption of an expanded project area in 1991. It is estimated that over the next five years there will be one million dollars accumulated in this fund. It has not yet been determined how these funds will be used. However, this Housing Chapter proposes several programs (e.g. Policies 11, 13, and 19) that could assist the Redevelopment Agency in increasing and improving the community's supply of low- and moderate-income housing.

Time Frame: To begin when tax increment funds become available (estimated to begin in 1992-1993). When this occurs, the Agency will develop a program which will set forth the means of distributing funds generated by the Redevelopment Agency.

Note: The Agency developed and adopted a redevelopment Implementation Plan in 1994.

Responsible Agency: Redevelopment Agency

Funding Source: 20% of the tax increment allocated to the Redevelopment Agency.

(Reference, page IV-29 of the Proposed General Plan.)

Reason:

The revised language indicates the Redevelopment Agency's success in meeting this goal.

Text Change No. 6

Proposed Change:

Provides an update report on the progress made to the First-time Homebuyer Program.

Specific Change Proposed:

Program Description: New. Develop a Citywide program to assist first-time homebuyers of low- and moderate-income with downpayment assistance. Work with local groups such as the Association of Realtors, Mortgage Lenders Association, Building Industry Association (BIA), Modesto Chamber of Commerce, Affordable Housing Task Force, and others to establish a first-time homebuyers program.

Time Frame: 1992-1993 Contact listed groups for interest.

Note: The City developed and adopted a first-time Homebuyer Program in 1994.

Responsible Agency: City of Modesto Housing Program Office
Planning And Community Development
Department, Association of Realtors,
BIA, Chamber of Commerce, Mortgage
Lenders Association

(Reference, Page IV-35 of the proposed
General Plan.)

Reason:

The proposed revision indicates the City's success in achieving this goal.

Text Change # 7

Proposed Change:

Provides an update report on the progress made to the Mortgage Credit Certificates Program.

Specific Change Proposed:

24. Mortgage Credit Certificates

Program Description: New. Mortgage Credit Certificates allow first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax. Certificates are issued by a local agency (e.g. Housing Authority) and are most applicable for moderate-income households.

Time Frame: 1993: Investigate the use of Mortgage Credit Certificates

Note: The Housing Authority County of Stanislaus developed and adopted a Mortgage Credit Certificate Program in 1994.

Responsible Agency: First-time Homebuyers, Planning & Community Development Department, Stanislaus County Housing Authority

Funding Source: California Debt Advisory Board, Franchise Tax Board

(Reference, Page IV-36 of the Proposed General Plan.)

Reason:

The proposed revision indicated the success in achieving this goal.

Text Change #8

Proposed Change:

Provides an update report on the progress made to the Water Conservation Program.

Specific Change Proposed:

43. Program Description: New. The City will consider the initiation of a water conservation program. The purpose of this program would be to install and encourage the use of water conservation devices and measures in all houses rehabilitated under the City's housing rehabilitation programs.

Quantified Objective: When program is established, assist 250 households with water conservation devices.

Time Frame: By 1992-1993, consider the establishment such a program
By 1994-1997, implement program, if established

Note: A water conservation program has been integrated into the City's Housing Maintenance Program.

Responsible Agency: City of Modesto Housing Program Office, City Public Works (Water Conservation Division)

Funding Source: Community Development Block Grants
(Reference, Page IV-43 of the Proposed General Plan.)

Reason:

The proposed revision indicates the City's success in achieving this goal.

Text Change #9

Proposed Change:

Replace the entire text for this Section with new wording.

Specific Change Proposed:

G. Structure of Technical Appendix

~~The Technical Appendix for the Housing segment of this General Plan has been expanded and now consists of two parts.~~

~~Appendix A is the actual 1992 Housing Element Technical Appendix left intact. For overall completeness, the 1992 Housing Element is included as Appendix B.~~

~~The City's Housing policy directions will continue to be included in the text of the General Plan. The Appendices A and B are included to provide background information.~~

The Housing Chapter is based on information included in the 1992 Housing Element Technical Appendix. This Appendix is hereby included to the Modesto Urban Area General Plan and serves as support information to the Housing Chapter. The 1992 Housing Element Technical Appendix is attached to this General Plan as Appendix B. Appendix B also includes an evaluation of the last Housing Element Period, from 1984 to 1989.

(Reference, Page IV-46 of the Proposed General Plan.)

Reason:

The structure of the General Plan Appendices has been modified. The new text describes the location of the appendices to the Housing Chapter.

Attachment C

Explanation of Proposed Changes to Chapter IV Housing Exhibits

Exhibit Changes # 1-4

Replace the Following Exhibits:

IV-3
IV-4
IV-6
IV-7

Specific Changes Proposed:

Replacement Exhibits are attached.

Reason for Exhibit Changes:

The City's Consolidated Plan provides updated information.

Exhibit Changes # 5-6

Replace the Following Exhibits:

IV-13
IV-17

Specific Changes Proposed:

Replacement Exhibits are attached:

Reason for Exhibit Changes

The original Village One Specific Plan allowed up to 8,000 dwelling units, but assured only 7,400 dwelling units would be built. The updated Exhibit is based on an 8,000 dwelling unit maximum capacity.

Exhibit Changes # 7-8

Replace the Following Exhibits:

IV-11
IV-12

Specific Changes Proposed:

Replacement Exhibits are attached.

Reason for Exhibit Changes:

New Capital Facilities Fees, Public Facilities Fees,
and Planning Development Application Fees have been
adopted.

Exhibit IV-3
Summary of Special Needs Groups

<u>Special Needs Group</u>	<u>Number of Persons/Households</u>	<u>% of Total Population/ Households</u>
Elderly -- ages 60+ (a)	22,915 (P)	14%
Handicapped --ages 16-64 (b)	15,530 (P)	8%
Large Families (a)	7,671 (H)	13%
Farmworkers (c)	244 (H)	.04%
Homeless (a)	248 (P)	.01%
Female-headed Households (a)	15,987 (H)	28%

Source: (a) 1990 Census, (b) City Planning Estimate, 1991, (c) SAAG Regional Housing Needs Report, 1990. NOTE: Percentages will not total 100% since each category is not mutually exclusive. A single household may appear in more than one category. (P) -- # of Persons, (H) -- # of Households.

Exhibit IV-4
**Five-Year Inventory (1995-2000) of Low-Income Rental Units
 Subject to Termination of Federal Mortgage and/or Rent Subsidies**

Project Name Address, Zip	Owner Name Address, Zip	FHA Project/ Section	Section 8 Contract # and Type	Total FHA Units/Total Sec. 8 Units /Total Units	Earliest Termination Date: FHA and/or Section 8
El Casa Verde I 1513-B Robertson Rd. Modesto, 95351	W. Glenn Nobmann PO Box 235 Richmond, 94808	221 (d)(3) Mkt Rate <u>MF*</u>	Existing	FHA -110 <u>Sec. 8 -110</u> 110 Total	Sec. 8: 8/13/1992 (Extended)
El Casa Verde II 1513-B Robertson Rd. Modesto, 95351	W. Glenn Nobmann PO Box 235 Richmond, 94808	221(d)(3) Mkt Rate <u>MF</u>	Existing	FHA -32 <u>Sec. 8 -32</u> 32 Total	Sec. 8: 8/13/1992 (Extended)
Cameron Villa Apts. 160 Mark Randy Place Modesto, 95350	Consolid. Properties 2001 N. Van Ness Fresno, 93704	221(d)(4) <u>MF</u>	New Con.	FHA -68 <u>Sec. 8 -68</u> 68 Total	Sec. 8: 3/27/1998
Parkview Christian Estates 3112 Napier Drive Modesto, 95351	Parkview Christian 3112 Napier Drive Modesto, 95351	231 Elderly	Existing	FHA -99 <u>Sec. 8 -60</u> 99 Total	Sec. 8: 12/31/1998
Neighborhood Manor 1200 Woodrow Ave. Modesto, 95350	Nghbrhd Manor 1200 Woodrow Ave. Modesto, 95350	231 Elderly	Existing	FHA -104 <u>Sec. 8 -20</u> 104 Total	FHA: 4/03/2009 Sec.8: 5/22/1994
Vinewood Apartments 2600 Standiford Modesto, 95350	Am Diversified 3200 Park Center, S. Costa Mesa, 92626	221(d)(4) <u>MF</u>	New Con.	FHA -75 <u>Sec. 8 -75</u> 75 Total	Sec. 8: 3/06/1995
Ralston Tower 900 17th Street Modesto, 95354	Mdsto Affl Hsg 900 17th Street Modesto, 95354	236(J)(1) Elderly	Section 8 Existing	FHA -180 <u>Sec. 8 -109</u> 180 Total	FHA: 2/15/2025 Sec. 8: 8/13/1996

*MF= Multi-family Housing Projects

Exhibit IV-6
Annual Summary of At-Risk Projects to 1996-2000

<u>Year</u>	<u>Elderly</u>	<u>Non-Elderly</u>
1996	109	86
1997	--	--
1998	60	132
1999	--	2
2000	--	117
TOTAL	169	337

Exhibit IV-7
**Bond Financed and Density Bonus Projects
 At-Risk of Conversion Between 1994-2002**

Project Name and Location	Type of Program Assistance	Number of Affordable Units At-Risk	Years to Monitor	Date of Expiration
Oakhaven 2112 Floyd Avenue	MF Mortgage Revenue Bonds	10 Low-income 10 Very Low-income	10	3/1995
Westdale Commons 4121 Dale Road	MF Mortgage Revenue Bonds	44 Low-income	10	12/1/2002
Stonebridge 2800 Braden	MF Mortgage Revenue Bonds	58 Low-income	20	3/1/2006
Valley Oaks 2300 Oakdale Road	MF Mortgage Revenue Bonds	21 Low-income 21 Very Low-income	15	11/1/2000
Park Lakewood 1500 Lakewood	MF Mortgage Revenue Bonds	12 Low-income 12 Very Low-income	10	4/1/1996
Meadow Lake 1401 Lakewood	MF Mortgage Revenue Bonds	20 Low-income 20 Very Low-income	10	8/1/1995
Shadowbrook 3001 Hahn	MF Mortgage Revenue Bonds	30 Low-income 30 Very Low-income	10	8/1/1996
Live Oak 1900 Oakdale Road	MF Mortgage Revenue Bonds	66 Very-low income	15	8/1/2003
Ken Diehl Project location-	Density Bonus 1317 Carver Rd., Mod.	1 Very-low income	10	7/1995
Ken Diehl Project location-	Density Bonus 1535 Rose, Modesto	2 Very-low income	10	9/1/1996
Irwin Steinpress Project location-	Density Bonus 601 N. Emerald, Mod.	2 Very-low income	10	8/1995

Exhibit IV-11
Developer Fees, 1995

<u>City CFF</u>	<u>Dwelling Unit Type</u>	<u>County PFF</u>	<u>Total</u>
\$3,819	Single-family residence	\$2,836	\$6,655
\$2,924	Mobile home, each unit of a duplex	\$1,855	\$4,779
\$2,415	Multiple family unit	\$1,855	\$4,270
\$1,920	Multiple family unit limited to occupancy by senior citizens	\$948	\$2,868
<u>Estimated Fees For New Growth Areas*</u>			
\$18,700	Single Family home		
\$13,700	Multi-family unit		

*Development fees are under study and have yet to be adopted.

Exhibit IV-12
Local Processing and Permit Procedures

<u>Application</u>	<u>Approximate Processing Time (In Weeks)</u>	<u>Application Fee in Dollars</u>
P-D Zoning	18-20	1,105.00
Amend P-D Zone pursuant to Sec. 10-2.1709(b)	18-20	1,105.00
Amend P-D Zone pursuant to Sec. 10-2.1709(a)	12-14	795.00
Rezoning	18-20	1,000.00
Plot Plan Review		
for a satellite antenna for a single-family house	9-12	135.00
second-story addition	4	230.00
all other plot plan reviews	9-12	550.00
Conditional Use Permit	9-12	795.00
Variance		
on a lot with a single-family house in the R-1, R-2, or R-3 zone	9-12	205.00
all others	9-12	845.00
Administrative Approval Revised Plans	1-2	20% of application fee
Tentative Subdivision Map	9-11	730.00
Tentative Parcel Map	9-11	660.00
Reversion to Acreage	9-11	555.00
Parcel Map Waiver	9-11	555.00
Lot Line Adjustment	4	140.00
Time Extension	9-11	125.00
Environmental Assessment		
initial study	3	535.00
staff evaluation special studies	2	475.00
Appeals	4-8	100.00
(of Planning Commission, Board of Zoning Adjustment, or staff decisions)		
Annexation	20	540.00
Abandonment		
(authority: C/C Res. No. 90-925)		
abandonment of Right of Way	18-20	865.00
walkway abandonment	18-20	145.00

Exhibit IV-13
Estimated Number of Potential Dwelling Units Within the
Village One Specific Plan Area By Housing Type

<u>HOUSING TYPE</u>	<u>UNITS</u>	<u>NET ACRES</u>
Ranchettes	87	44
Single-Family	5,533	873
Multi-Family		80
senior housing	600	
multi-family	1,730	
mixed-use	50	
TOTAL	8,000	995

Exhibit IV-17
Estimated Number of Potential Dwelling Units
Within the Village One Specific Plan Area

<u>Land Use Category</u>	<u>Units</u>
Very Low Density	87
Village Residential	5,533
Multi-Family	1,730
Senior Housing	600
TOTAL	8,000

CITY OF MODESTO

M E M O R A N D U M

July 19, 1995

TO: Mayor and Members of the City Council
FROM: Community Development Department
SUBJECT: General Plan Issue Paper # 6: Mini-Parks

Recommendation:

1. Staff recommends deletion of the reference to "Mini-Parks" from the General Plan.
2. The Community Development and Housing Committee agrees with this recommendation.

Background:

The following policy was proposed by Staff, and accepted by the Planning Commission, regarding Mini-Parks:

Planned Urbanizing Area: Mini Parks Policies and Standards

The mini park should be centrally located within the residential neighborhood with a service radius of one sixth to one quarter mile and should front on residential streets on all sides.

The minimum size for a mini park will be one-half acre or the total acreage based on one-half acre per one hundred and fifty dwelling units, whichever is larger.

Mini Parks are encouraged, but not required, in the following Comprehensive Planning Districts: Pelandale Snyder; Coffee Claratina; North Beyer; and Empire North. Mini Parks are required in all other Comprehensive Planning Districts.

(Page V-18 (cc), Planning Commission Proposal).

Reason for Recommendation

Staff originally proposed this Policy to reflect the Village One "mini-park" policies, and to encourage mini-parks in future villages. With the publication of the Village One Feasibility Study, however, mini-parks may be deleted from the Specific Plan. Therefore, Staff believes it appropriate to delete all references to mini-parks from the General Plan. Aside from the above Policy found on page V-18 of the proposed General Plan, there are minor references in various pages of the General Plan which would also be deleted.

Memo Paper # 6
July 19, 1995
Page 2

Irrespective of the deletion of this policy, mini-parks would still be allowed within neighborhoods; they just would not be required.

Community Development and Housing Committee Recommendation

On July 24, 1995, the Community Development and Housing Committee considered this revision. The Committee unanimously agreed with the Staff recommendation.

BRS:sb
Attachment

CITY OF MODESTO

MEMORANDUM

July 24, 1995

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Issue Paper #7 - Revisions to the General Plan Resulting From Changes to the Final EIR Mitigation Measures

Recommendation

Staff recommends that three General Plan Policies be modified to reflect the revised Mitigation Measures of the Final EIR.

Background

Staff and the Community Development and Housing Committee are recommending that 28 Mitigation Measures in the Final EIR be revised. These revised Mitigation Measures are presented in Attachment 3 to the overall staff report. There are three General Plan Policies, all in Chapter V, that need to be modified to reflect the wording of the revised Mitigation Measures. Following is the revised language for these Policies.

Section V-C, Policy 2-d (page V-8)

The first sentence of this Policy would be revised to read:

"The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's Sphere of Influence." (the revised wording is underlined)

Section V-E, Policy 3-g (page V-13)

The following sentence would be added to this Policy:

"The City shall update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence."

Section V-M, Policy 2-e (page V-30)

A new policy (Policy 2-e) would be added to this Section to read as follows:

"Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1 of the Master Environmental Impact Report) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Policy 2-c."

Exhibit C
Revised Mitigation Measures/Recirculation Findings

As a result of the public hearing process, certain modifications to the mitigation measures published in the Final Environmental Impact Report were determined to be necessary. Attached (Exhibit C-1) are the revised mitigation measures, to be incorporated into the Final EIR as an addendum. Included in this Attachment is a rationale for each of the revisions.

In addition, Exhibit C-2 is an explanation, required by Section 15088.5(e) of the CEQA Guidelines, supporting the City's decision not to recirculate the EIR, even though the Project Description has changed, and several of the Mitigation Measures have been revised. Finally, Exhibit C-3 presents details of the revised Project Description, reflecting the Adopted General Plan Land Use Diagram.

EXHIBIT C-1

Revised Mitigation Measures

I. Traffic and Circulation Needs

A. Revised Mitigation Measures

- A. 1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of this Master EIR) to achieve LOS "D" or better in the year 2025 (as shown in Figure I-5 and Appendix II-A) cannot cause, without further study, conditions to be worse than LOS "D" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)
- b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

- A. 2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "E" (as shown in Figure I-5 and Appendix II-A) shall not, without further study, cause conditions on those facilities to exceed LOS "E" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)
- b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

- A. 3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle/capacity (v/C) ratio of 0.05 or greater for roadway segments or intersections whose v/c ratio is estimated to be 1.00 or higher in 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.
- a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)
 - b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

B. Reason for Revision

Level of Service "D" is the long-standing design goal desired for the City's Circulation system. The above three Mitigation Measures expand further on Mitigation Measures A-1, A-2, and A-3, presented on pages IV-1-29 and 30 of the Final EIR. These Mitigation Measures recognize, and accept, certain circulation links known to be worse than "D".

Essentially, the language as originally adopted serves to ensure that interim traffic volumes and congestion levels do not deteriorate substantially, compared to their ultimate congestion levels, which were supposedly "worst case" anyway.

The expanded language does not change that direction; it merely provides a means to address interim congestion levels (specifically, those worse than "D") due to incomplete road systems, etc. Basically, supplemental environmental review is necessary, including a review of the Comprehensive Traffic Model, to ensure that all off-site implications are addressed. In summary, this set of revisions clarifies, but does not compromise, the City's long-standing design standard for Level of Service "D" in the City's transportation planning process.

C. Revised Mitigation Measure

- A. 4. e. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

D. Reason for Revision

Mitigation Measures A-4(a) through A-4(d), as published in the EIR, describe the appropriate process for reviewing individual development projects which conform to the General Plan.

Measure A-4(e) was necessary to add, to describe the appropriate process (namely, further environmental review) when the development project did not conform to the General Plan. This is a minor, technical change.

E. Revised Mitigation Measure

- C. 3. d. The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements. Facilities for mode transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.

F. Reason for Revision

The Mitigation Measure, as originally written, appeared to require dedicated Bicycle Lanes on every collector street in the City. The revised language continues to encourage and promote bicycles as an alternative transportation mode, but in a more rational and feasible manner.

G. Revised Mitigation Measure

- C. 3. e. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:
- Amtrak. The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.
 - Inter-regional Rail Service. The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.
 - Light Rail Transit. The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.
 - Freight Rail. The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of "truck on rail" as a technique for reducing through-truck traffic on highway corridors.
 - Any necessary crossings of the Santa Fe Railroad Corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In 1995, the AT&SF

Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe's rail line.

The City shall also encourage increased use of freight rail transportation service, and establishment of inter-modal facilities and links to help reduce through truck traffic on state highways and arterial roadways.

H. Reason for Revision

No change in policy direction is made by this revision. The revised language represents only minor word changes to reflect language which has been published in the General Plan at least since February.

II. Degradation of Air Quality

A. Revised Mitigation Measures

1. The City of Modesto shall implement measures to reduce motor vehicle use and related ozone precursor and PM₁₀ emissions through changes to the transportation infrastructure. Table 2-2 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.
2. The City of Modesto and project proponents shall implement measures to reduce vehicle use and associated emissions related to existing and future land use development in the City of Modesto. Table 2-3 in the MEIR describes those measure to be implemented, as well as additional measures which may be implemented at the discretion of the City.
3. The City of Modesto shall implement measures to reduce emissions associated with energy use by residences and businesses. Table 2-4 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.
4. The City of Modesto shall implement measures to reduce emissions associated with future development through the CEQA review process. Table 2-5 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.
13. The City of Modesto shall implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Table 2-6 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

B. Reason for Revision

Numerous Air Quality measures were provided by the regional Air Pollution Control District as suggested means to improve Air Quality within the San Joaquin Valley. Even if all of the suggested measures were implemented by the City of Modesto, there is no evidence that Air Quality in the basin

would improve to a level below significance. This is why Air Quality has been determined to be an impact which is significant and not mitigable.

The most significant revision in Air Quality Mitigation Measures is the division of the measures into two categories:

- those which will be directly implemented by the City, by incorporating those measures directly into the General Plan; or
- those which are strongly encouraged, but not necessarily required by the General Plan.

Finally, three mitigation measures published in the Final EIR are recommended for DELETION, because they are too general, and staff has found no empirical evidence that these measures would improve air quality. The two measures proposed for deletion are as follows:

- "The City of Modesto shall work to reach an equitable tax sharing agreement with Stanislaus County to avoid the fiscalization of land use decisions".
- "The City of Modesto shall plan for a multi-modal transportation system that meets the mobility needs of the community and improves air quality".
- "The City of Modesto should encourage developers to certify that their construction contractors use construction equipment that is well-maintained according to the manufacturer's recommendations."

C. Revised Mitigation Measure

5. The City of Modesto recognizes the efforts of the San Joaquin Valley Unified Air Pollution Control District, to identify the cumulative transportation and air quality impacts of all general plan amendments approved during the previous years. This measure is intended to track the effectiveness of current air-quality-related programs and guide revision to these programs through periodic review of cumulative air quality impact in the City.

D. Reason for Revision

The Mitigation Measure published in the Final EIR had the City being responsible for evaluating the cumulative impacts of General Plan Amendments. Since the cumulative effects of increases in air pollution are generated and measured on a Valley-wide scale, the San Joaquin Valley Unified Air Pollution Control District, as the agency responsible for regulating air quality in the San Joaquin Valley, is the appropriate agency for monitoring these cumulative impacts.

TABLE 2-2: AIR QUALITY MEASURES INVOLVING CHANGES TO THE TRANSPORTATION INFRASTRUCTURE

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:
 - a. The City of Modesto shall vigorously pursue and use state and federal funds earmarked for bicycle and transit improvements.
 - b. The City shall establish transit services on key arterials to locate stops within 1/4 mile of residences/work places, and reevaluate quality and frequency of services, as appropriate as development progresses and demand increases.
 - c. The City of Modesto shall consider measures to increase the capacity of the existing road network prior to constructing more capacity (additional lanes, new freeways, etc.).
2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible.
 - a. The City of Modesto should ensure that a comprehensive system of bikeways and pedestrian paths is planned and constructed in accordance with an adopted City/County Regional plan. The City of Modesto should ensure that regional and commuter bikeways are extended to serve new development consistent with the adopted bikeway plan.
 - b. The City of Modesto should plan for a multi-modal transportation system that meets the mobility needs of the community and improves air quality. The City of Modesto should plan for multi-modal transfer sites that incorporate auto parking areas, bike parking, transit, pedestrian and bicycle paths, and park-and-ride points.
 - c. The City of Modesto should ensure that upgrades to existing roads (widening, curb and gutter, etc.) include bicycle and pedestrian improvements in their plans and implementation, where appropriate.
 - d. The City of Modesto should design all arterial and collector streets planned as transit routes to allow the efficient operation of public transit.
 - e. The City of Modesto should plan park-and-ride lots at suitable locations serving long distance and local commuters. The City of Modesto should work with Caltrans and transit providers to identify park-and-ride sites with convenient access to public transit.

TABLE 2-3: AIR QUALITY MEASURES TO REDUCE VEHICLE USE

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate.
 - a. The City of Modesto shall work with employers and developers to provide employees and residents with attractive, less-polluting, and affordable transportation alternatives (such as accommodations for bicycle use, transit use subsidies for employees, ridesharing incentives, etc.).
 - b. The City of Modesto shall consider air quality and mobility when reviewing any proposed change to the land use pattern of this community.
 - c. The City of Modesto shall plan adequate neighborhood commercial shopping areas to serve new residential development.
 - d. Subdivision designs shall provide neighborhood parks in proximity to activity centers such as schools, libraries, and community centers.
 - e. The City of Modesto shall plan the area around new commuter and mainline rail stations to provide convenient and safe pedestrian and bicycle access, and connections to the transit system.

2. The following measures should be strongly encourage, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible:
 - a. Projects within the City of Modesto should propose pedestrian or transit-oriented designs at suitable locations.
 - b. The City of Modesto should work to preserve and enhance existing neighborhoods and commercial districts having transit and pedestrian-oriented designs.
 - c. The City of Modesto should plan areas within 1/4 mile of locations identified as transit hubs and commercial centers for higher density development.
 - d. Higher housing densities in areas served by the full range of urban services should be utilized within the City of Modesto.
 - e. Mixed-use developments should provide commercial services such as day care centers, restaurants, banks, and stores near employment centers.
 - f. The development of shopping areas should be located within walking distance of high density residential neighborhoods.
 - g. The City of Modesto should protect pedestrian-oriented commercial areas from development that is incompatible in design, scale or use.

- h. Regional shopping malls/centers should be located at sites capable of support by a full range of transportation options.
- I. The City of Modesto should require new major activity centers, office, and commercial development to provide secure bicycle storage and parking facilities.
- j. The City should establish TCMs and mandatory trip reduction and monitoring/ reporting programs for all development within the BP designation. Such programs shall ignore property boundaries so that paratransit and carpooling opportunities are cooperative and in-common.
- k. The City of Modesto should work to establish public/private partnerships to develop satellite and neighborhood work centers for telecommuting.

TABLE 2-4: AIR QUALITY MEASURES RELATED TO ENERGY USE

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:
 - a. The City of Modesto shall work with the local energy providers on voluntary incentive-based programs to encourage the use of energy efficient designs and equipment.
 - a. The City shall not allow new residential development to include conventional open-hearth fireplaces. With designs of new residential construction that include fireplaces, the City shall encourage installation of California Energy Commission (CEC) certified natural gas appliances over wood-burning appliances. The City shall limit the number of allowable EPA-approved/Oregon-certified wood-burning appliances to one per new residence.
2. The following measures should be strongly encouraged and incorporated into development plans and public facility plans when it is shown to be appropriate and feasible:
 - a. The City should cooperate with the local building industry, utilities, and the SJVUAPCD to develop and adopt new building efficiency practices (standards) for commercial, industrial, and residential buildings to reduce energy and water consumption below the amounts which would be used if the buildings only complied with the existing state standard.
 - b. The City could implement a program to offer incentives for new developments that are more energy efficient than state energy standards at the time the building permit is issued. Incentives may include reduced permit fees or expedited permit processing. Through an annual awards program the City could recognize outstanding projects.
 - c. The City should ensure that new residential construction and residential redevelopment include low-NO_x space heaters and water heaters.

TABLE 2-5: AIR QUALITY MEASURES TO BE IMPLEMENTED THROUGH THE CEQA REVIEW PROCESS

1. The following mitigation measures shall be implemented by the City of Modesto:
 - a. The City of Modesto shall consult with the San Joaquin Valley Unified Air Pollution Control District during CEQA review for all discretionary projects not previously reviewed by the District. The City of Modesto shall determine project air quality impacts using analysis methods and significance thresholds recommended by the SJVUAPCD.
2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible:
 - a. The City of Modesto should require local CO "hot spot" modeling for individual projects that would substantially affect high-volume intersections such that Levels of Service would degrade to "F" or where Levels of Service without the project are already "F."
 - b. The City should ensure that air quality impacts identified during the CEQA review are consistently and fairly mitigated.
 - c. The City of Modesto should ensure that all air quality mitigation measures are feasible, implementable, and cost effective.

TABLE 2-6: AIR QUALITY MEASURES TO BE REDUCE CONSTRUCTION IMPACTS

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:
 - a. The City of Modesto shall work with the SJVUAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
 - b. If required by Regulation VIII (Fugitive Dust Rules) of the San Joaquin Valley Unified Air Pollution Control District, the City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.
2. The following measures should be strongly encouraged and incorporated into development plans and public facility plans when it is shown to be appropriate and feasible:
 - a. The City of Modesto should reduce PM₁₀ emissions from City-maintained roads to the maximum extent feasible.
 - b. The City of Modesto should adopt a standard set of construction-related mitigation measures that can be adapted to all new, non-emergency construction projects in the City. A set of potential construction-related mitigation measures and their respective efficiencies are shown in Table 2-7.

TABLE 2-7: MITIGATION FOR CONSTRUCTION ACTIVITIES AND EMISSION REDUCTION EFFICIENCIES

<u>Emission Source</u>	<u>Mitigation Measure</u>	<u>Emission Reduction Efficiency</u>
Fugitive Dust from Construction Activities	- Apply approved chemical soil stabilizers to inactive construction areas	30-65%
	- Replace ground cover in disturbed areas as quickly as possible	15-49%
	- Enclose, cover, water twice daily, or apply soil binders to exposed stock piles, i.e., gravel, sand, dirt	
Fugitive Dust from Grading and Excavation	- Water active sites at least twice daily	34-68%
	- Suspend all excavating and grading activities when winds exceed 25 miles per hour	NQ
Fugitive Dust from Roads	- Sweep streets at the end of the day	25-60%
	- Apply water twice daily or chemical soil stabilizers per manufacturers instruction to unpaved parking, staging areas, and roads	45-85%
	- Install wheel washers to clean trucks and equipment leaving site onto paved roads	40-70%
	- Limit traffic speeds on unpaved roads to 15 mph	40-70%
	- Cover trucks hauling dirt, sand, soil, or loose material	7-14%
	- Pave construction roads	92-94%
	- Pave access road at least 100 feet onto site	92-94%

NQ: Not Quantified

SOURCE: (1) San Joaquin Valley Unified Air Pollution Control District, *Air Quality Guidelines for General Plans*, October 1994.
 (2) San Joaquin Valley Unified Air Pollution Control District, Regulation VIII, Fugitive Dust Rules.

III. Generation of Noise

A. Revised Mitigation Measures

- A. 1. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.) The City should consider potential mitigation measures, including, but not limited to, the following:
 - a. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
 - b. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable,") shown in Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.
- A. 2. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation:
 - a. Single-family Residential uses: the Ldn 65 contour, as depicted on the most recent noise contours for the City, shown in Figure VII-1.
 - b. Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable,") shown on Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.
- A. 3. For new single-family residential development within the Ldn 65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
 - a. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - b. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.
 - c. Incorporate construction techniques to achieve an interior noise limit of 45 Ldn (these potential techniques are presented in CCR Title 24 standard).
- A. 5. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines

(Figure VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

- a. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - b. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses from noise sources.
 - c. Incorporate construction techniques to achieve specified interior noise limits. One source that can be used for such specifications is the "Recommended Maximum Interior Noise Level Criteria for Intermittent Noise," (Table 2, Noise Insulation Problems in Buildings, Paul S. Veneklasen & Associates, January 1973).
- A. 6. With road extension, widening and upgrade projects, the City of Modesto shall provide barriers of sufficient height and length to minimize noise impacts on adjacent uses.
- a) Widened right-of-way;
 - b) Depressed roadway alignments;
 - c) Earthen berms or earthen/wall combination;
 - d) Walls;
 - e) Acoustical retrofitting to affected parties.
- A. 7. In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-1, builders, developers (for private development projects) and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on Figure VII-1 due to, for example, natural shielding (e.f. from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the contours.

B. Reason for Revision

Staff revised these mitigation measures in order to ensure their proper implementation. The measures, as revised, allow for site specific conditions to be considered so as to avoid the need for physical barriers, when appropriate.

C. Revised Mitigation Measure

- B. 1. The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses...that minimizes the exposure of [present and future] community residents to excessive noise." (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.)

D. **Reason for Revision**

The last two sentences in the above paragraph were added for clarification and illustration. There is no change in policy direction.

IV. **Loss of Productive Agricultural Land**

A. **Revised Mitigation Measure**

The following mitigation measure is proposed to be DELETED:

- B. 6. “If a subsequent project (Comprehensive Plan) is in any of the Comprehensive Planning Districts identified on the General Plan Land use Diagram, the City shall consider requiring the project proponent to contribute toward a City-established fee for the purchase of conservation easements on existing farmland. The fee structure shall take into account the relative importance of various classifications of farmland. The goal of the fee shall be based on a reasonable nexus between the farmland lost and the easements purchased (e.g., conservation of at least one acre of prime farmland for every acre converted).”

B. **Reason for Revision**

This mitigation measure is proposed for DELETION. Although the City recognizes and supports the County’s overall goal of preserving agriculture outside of urban areas, staff believes it would be infeasible to implement this particular mitigation measure without the County’s involvement. The mitigation measure requires that conservation easements to be purchased through development projects, would have to be applied to development outside the Planned Urbanizing Area. In other words, it would be self-defeating to conserve existing farmland within the Planned Urbanizing Area, because that farmland would eventually need to be displaced by future urban uses.

Therefore, the conservation easements proposed to be applied to existing farmland must occur on property outside the General Plan boundary, presumably in the County of Stanislaus. However, to date, the County has chosen not to establish such a conservation easement program. Because the Planned Urbanizing Area’s agricultural resources (approximately 26,000 acres) are significantly smaller than the County’s land area, staff believes it to be unlikely that the Conservation Easement process described above would be successful, absent significant County involvement, and the involvement of the other 8 cities in Stanislaus County.

V. **Increased Demand for Water Supplies**

A. **Revised Mitigation Measure**

- B. 1. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

B. Reason for Revision

This mitigation measure shows up in all the public services sections of the EIR: Increased Demand for Water Supplies, Increased Demand for Sanitary Sewer Services, Increased Demand for Storm Drainage, Increased Demand for Parks and Open Space, Increased Demand for Police Services, and Increased Demand for Fire Services. The revised mitigation measure deletes the requirement of the previous mitigation measure to identify the costs of public services, in addition to infrastructure costs. Given the long-term, on-going nature of public services, and the constantly-changing strategies to fund them, this measure was deemed by staff to be too speculative and difficult to implement consistently over a 30-year period.

C. Revised Mitigation Measure

- C. 3. The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's Sphere of Influence. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial providers for the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources.

D. Reason for Revision

This first sentence was revised from "The City of Modesto will be the sole provider...within the City's water service area." to read "...within the City's Sphere of Influence" is more descriptive and more explicit than "water service area". The implementation of this mitigation measure will not affect the City's recent acquisition of the Del Este Water Company.

VI. Drainage, Flooding and Water Quality

A. Revised Mitigation Measure

- A. 1. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed "rockwells". New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area.

B. Reason for Revision

The Mitigation Measure published in the EIR required all new development in the Baseline Developed Area to submit a drainage plan, regardless of whether adequate storm drainage

facilities existed or not. The revised mitigation measure, rather than requiring a drainage plan, is more explicit in the requirements for the type of drainage facilities to be required.

VII. Landslides and Seismic Activity

A. Revised Mitigation Measure

The following mitigation measure is proposed to be deleted:

- A. 2. “The City shall implement any policies of the City and County General Plan Safety Elements, which prohibit urban development within areas subject to seismic activity, unless mitigation measures reduce impacts to less than significant.”

B. Reason for Revision

This mitigation measure is redundant. It is a mitigation measure that requires us to implement our General Plan. In effect, it is a circular argument.

VIII. Increased Demand for Parks and Open Space

A. Revised Mitigation Measure

- B. 3. Prior to Comprehensive Plan approval in the Planned Urbanizing Area, the Comprehensive Plan shall provide open space and parkland acreages in the following amounts: neighborhood parks at 1 acre of parkland and open space per 1,000 population; and community parks at 2 acres of parkland and open space per 1,000 population. The minimum park size requirements listed in the General Plan shall be applied.

B. Reason for Revision

The first paragraph of the Mitigation Measure published in the EIR has been deleted from the above narrative because it is redundant with the second paragraph (which remains). Also, the first sentence in the above narrative has been revised to clarify that it is the Comprehensive Plan, not the applicant, which is to provide the required park acreage.

IX. Increased Demand for Fire Services

A. Mitigation Measure to be Deleted

- B. 3. The City of Modesto shall not annex areas to the City before fire hydrants with approved flows are in place (or a mutually acceptable arrangement for providing fire services has been reached with Stanislaus County).

B. Reason for Deletion

The City Fire Department would have the full capability to serve property upon annexation and future development. LAFCO would require this assurance prior to approval of any annexation. Therefore, this mitigation measure is unnecessary and should be deleted.

X. Generation of Hazardous Materials

A. Mitigation Measure to be Revised

2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.

B. Reason for Revision

The "Guide for NEPA Compliance" (referenced in the original mitigation measure) has yet to be published, and it may change over time. "Phase II" and "Phase III" studies, as referenced in the original mitigation measure, are too specific for General Plan purposes. The proposed revision is editorial only; there is no loss of policy direction.

Exhibit C-2
Recirculation Findings

Attached (Exhibit C-3) is the Project Description for the Adopted General Plan Land Use Diagram, approved by the Modesto City Council on August 15, 1995. The Final Master Environmental Impact Report (MEIR) was published on May 26, 1995, but this document did not explicitly include a Land use Diagram precisely corresponding to the land use pattern and overall boundaries of the Preferred Alternative (Figure C-2 in the MEIR). Nevertheless, the City believes that the Final MEIR adequately addresses the environmental impacts of the Adopted General Plan Land Use Diagram, and that recirculation of the Final MEIR is not necessary. Following are the facts, statements, and analysis to support the City's decision not to recirculate the Final MEIR.

Recirculation Finding No. 1

With regard to Section 15088.5(a) of the CEQA Guidelines, the revised Mitigation Measures (Exhibit C-1) and the revised Project Description (namely, the Adopted General Plan Land Use Diagram) do not constitute "significant new information," as illustrated in Section 15088.5(a), including the subsections reproduced below:

- "(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: Exhibit C-1 provides a clear explanation for the rationale adopted for the revision and/or deletion of each mitigation measure proposed for revision.

Exhibit C-3 includes a detailed explanation of each change in the Land Use Diagram. Five areas, covering approximately 3,760 acres, would be deleted from Figure C-2 in the Final MEIR. Therefore, the City concludes, as explained in detail in Exhibit C-3, that deletion of these areas would result in fewer environmental impacts, or a lessened severity of impacts, compared to those impacts reported in the Final MEIR.

Exhibit C-3 also indicates that five areas, covering a total of approximately 2,710 acres, would be added to Figure C-2 (the "Preferred Land Use Diagram") in the Final MEIR. Two additional changes were made, but they did not increase or decrease the overall General Plan Area. In any event, each of these seven areas were adequately addressed in one or more Alternative Land

Use Diagrams, as presented in the Final MEIR. Exhibit C-3 describes the relevant Alternatives for which the analysis was completed in the Final MEIR.

- "(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: Exhibits C-1 and C-2, as explained above, do not result in the increase in severity of any environmental impact analyzed in the Final MEIR. In fact, the Adopted Land Use Diagram contains 1,050 fewer acres, and 41,200 fewer population buildout, than Figure C-2, Figure C-1, or Figure C-2, all three of which were explicitly analyzed in the Final MEIR.

- "(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: The Final MEIR has been available to the public since May 26, 1995. The Planning Commission held two workshop and two public hearings, since June 1, 1995. In reaction to various concerns raised by the public, the City Council on July 15, 1995, deleted 1,050 acres of territory from the proposed Land Use Diagram. The reduction of environmental impacts from this deletion is presented in Exhibit C-3.

No other feasible project alternatives or mitigation measures have been suggested to the City since July 15, 1995.

- "(4) The Draft EIR was so fundamentally flawed and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

Finding: Significant new information, as defined by this criteria, has not been identified by the City.

Substantial Evidence: Nineteen letters of comment were received during the public review period of the draft EIR (February 16 - April 1, 1995). The responses to

those comments, as well as the original letters of comments, are presented in Appendix I of the Final MEIR. None of these nineteen letters of comment, and no public comments since received by the City, have indicated that the draft MEIR was "fundamentally flawed and basically inadequate and conclusory in nature."

Recirculation Finding No. 2

With regard to Section 15088.5(b) of the CEQA Guidelines, the following finding is made: Recirculation is not required where the new information added to the MEIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Substantial Evidence: Exhibits C-1 and C-3 provide detailed discussions of the modifications to the MEIR.

Recirculation Finding No. 3

Sections 15088.5(c) and 15088.5(d) do not apply to the General Plan Final MEIR, because recirculation is not required.

Recirculation Finding No. 4

Exhibit C in its entirety provides substantial evidence, as required by Section 15088.5(e), for the City's decision not to be recirculate the MEIR.

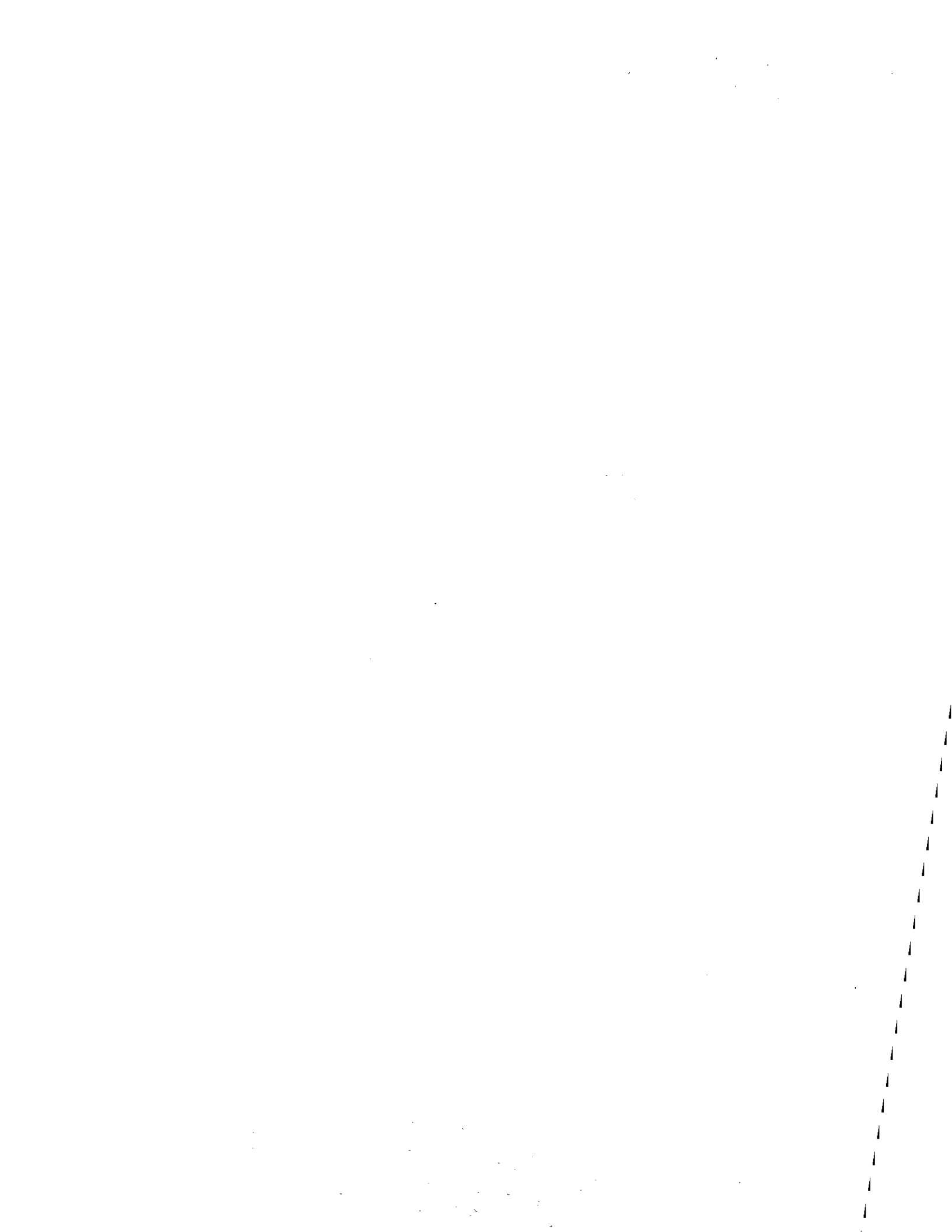


Exhibit C-3

PROJECT DESCRIPTION

ADOPTED GENERAL PLAN LAND USE DIAGRAM

Attached is the Land Use Diagram adopted by the City Council on August 15, 1995, for the new General Plan. Briefly stated, the Adopted Land Use Diagram is based on the Planning Commission Proposal (which is the Preferred Alternative in the Final EIR), with the following changes:

Change #1

A change in the boundaries of the Stanislaus River Comprehensive Planning District, resulting in a change in acreage from 770 acres of Open Space to 810 acres of Open Space. The new boundaries are: to the west, the western boundary of Assessors Parcel No. 3-10-03; to the north, the Stanislaus River; to the east, Dale Road; and to the south, the bluff line of the Stanislaus River. This results in an increase of approximately 300 acres in the General Plan area.

Change #2

Moving the northern boundary of the Stoddard Comprehensive Planning District north to the bluff line of the Stanislaus River. This results in an expansion of the Village Residential portion of this Comprehensive Planning District, from 520 acres to 820 acres. This results in neither an increase or decrease in the General Plan area.

Change #3

The addition of the Stoddard/Dale Comprehensive Planning District, which consists of 860 acres of Village Residential and 320 acres of Business Park. It is bounded by the bluff line of the Stanislaus River to the north, Dale Road to the east, Kiernan Avenue to the south, and Stoddard Road to the west. This results in an increase of 1,180 acres in the General Plan area.

Change #4

A change in the boundaries of the Highway 99 Comprehensive Planning District, resulting in a change of acreage from 550 acres of Regional Commercial to 570 acres. The new boundaries are: Hammett Road and M.I.D. Lateral No. 8 to the west; the bluff line of the Stanislaus River to the north; a line parallel to and 1/2 mile east of State Highway 99, to the east; and the northern boundary of the

Salida Community Plan and Murphy Road to the south. This results in neither an increase or decrease in the General Plan area.

Change #5

The expansion of the Beckwith/Dakota Comprehensive Planning District to the west 1/2 mile, with the new boundaries being Murphy Road to the north, State Highway 99 and Morse Road to the east, North Avenue to the south, with the western boundary being a line parallel to and 1/2 mile to the west of Dakota Avenue. The resulting Comprehensive Planning District consists of 690 acres of Business Park and 350 acres of Regional Commercial. This results in an increase of 480 acres in the General Plan area.

Change #6

The deletion of the Blue Gum/Dakota Comprehensive Planning District, which consists of 970 acres of Village Residential, located west of Morse Road between North Avenue and Woodland Avenue. This results in a decrease of 970 acres in the General Plan area.

Change #7

Moving the Highway 132 Business Park Comprehensive Planning District to a location south and east, displacing a portion of the Paradise/Carpenter Comprehensive Planning District. The new boundaries of the Highway 132 Business Park, which consists of 660 acres of Business Park, are: Kansas Avenue to the north, Carpenter Road to the east, California Avenue to the south, and Nebraska Avenue to the west. The Paradise/Carpenter Comprehensive Planning District is reduced by 660 acres, from 1,470 acres of Village Residential to 810 acres of Village Residential. This results in a decrease of 650 acres in the General Plan area.

Change #8

The deletion of the Paradise/Maze Comprehensive Planning District, which consists of 1,580 acres of Village Residential, located west of Nebraska Avenue and south of Maze Boulevard. This results in a decrease of 1,580 acres in the General Plan area.

Change #9

The deletion of a portion of the Tuolumne River Comprehensive Planning District, consisting of 400 acres of Open Space, located west of the line of Nebraska Avenue, leaving 1,380 acres of Open Space. This results in a decrease of 400 acres in the General Plan area.

Change #10

The deletion of a portion of the Whitmore/Carpenter Comprehensive Planning District, consisting of 160 acres of Village Residential, located west of Vivian Road, leaving 690 acres of Village Residential. This results in a decrease of 160 acres in the General Plan area.

Change #11

The addition of the Empire North Comprehensive Planning District, which consists of 270 acres of Village Residential. Its boundaries are Parker Road to the north, Church Street to the east, and the Santa Fe Railroad to the west. The southern boundary is the northern boundary of the Empire Sanitary Sewer District. This results in an increase of 270 acres in the General Plan area.

Change #12

The addition of the Kiernan/Carver North Comprehensive Planning District, which consists of 450 acres of Village Residential and 30 acres of Regional Commercial. It is bounded by Kiernan Avenue to the south, Dale Road to the west, and McHenry Avenue to the east. The northern boundary is a line parallel to Kiernan Avenue lying 1/4 mile to the north of Kiernan Avenue. This results in an increase of 480 acres in the General Plan area.

EXHIBIT "D"

FINDINGS SUPPORTING REJECTION OF ALTERNATIVES

The Final MEIR discussed and evaluated a range of alternative Land Use Diagrams. These alternatives were as follows:

1. A "Preferred Alternative", which reflects the City Planning Commission's recommendations to the City Council, on June 12, 1995. This Alternative is shown as Figure C-2 in the Final MEIR, and Attachment D-3 of this document.
2. Alternative A, which reflected the recommendations of the General Plan Steering Committee in 1994. This Alternative is shown as Figure D-1 in the Final MEIR, and Attachment D-4 of this document.
3. Alternative B, which was originally developed by City staff in 1994, and modified by the City Council on September 27, 1994. This Alternative is shown as Figure D-2 in the Final MEIR, and Attachment D-5 of this document.
4. Alternative C, which is the Environmentally Superior Alternative. This Alternative is shown as Figure D-3 in the Final MEIR, and Attachment D-6 of this document.
5. Alternative D, is the No-Project Alternative, in other words, the present (pre-1995) General Plan developed and buildout. This Alternative is shown as Figure D-4 in the Final MEIR, and Attachment D-7 of this document.

A statistical comparison between these 5 Alternatives (population and employment) is attached (Attachment D-1); this same data is shown on page I-30 in the Final MEIR. The actual Land Use Diagram approved by the City Council is presented in Attachment D-2; this Diagram has been named, the Adopted General Plan Land Use Diagram.

In selecting the Adopted Land Use Diagram, the City Council simultaneously rejected the five Alternatives analyzed in the Final MEIR. The reasons for not selecting these Alternatives are presented below:

1. Alternative D, the pre-1995 Plan was not selected, because it did not provide sufficient employment opportunities in the Planned Urbanizing Area. Even though a lower overall population buildout is projected under this Alternative (357,300), the overall employment opportunities (163,000) are still not sufficient to maintain a reasonable jobs/housing balance. Furthermore, the employment opportunities (19,000) would be limited in the Planned Urbanizing Area to relatively small business parks, incidental to a residential "village".

2. Alternative C, the Environmentally Superior Alternative, was not selected because it included even fewer employment opportunities (3,700) in the Planned Urbanizing Area than would be provided in the PUA shown in Alternative D. In addition, this Alternative significantly concentrates employment opportunities into the Redevelopment Area (69,000 jobs, compared to 53,7000 in the other alternatives). The City Council has serious reservations that a substantial market exists, or will exist even in 30 years, for 69,000 jobs in the Redevelopment Area.
3. Alternative B, was originally developed by City staff to foster discussion among the public with a range of options. This Alternative was ultimately not selected by the City Council because it didn't sufficiently take advantage of Freeway 99 and future Freeway 132 as the vital transportation link needed for future, successful, economic development.
4. Alternative A, was not selected by the City Council because of its westerly residential thrust onto prime agricultural soil.
5. The "Preferred Alternative", (i.e. the Planning Commission Proposal) was not selected by the City Council, although the Adopted Land Use Diagram is substantially similar to it. The most significant difference between this Alternative and the Adopted Alternative, is that the Adopted Alternative contains approximately 1,050 acres less of prime agricultural land than the Preferred Alternative. Instead, under the adopted Land Use Diagram, this land remains in Agriculture, in the County.

Summary/Conclusions:

The development of the Adopted General Plan Land Use Diagram in fact is a blending of some of the best features of all of the Alternatives. The process is an iterative one, which drew from the base case (Alternative D) to the Preferred Alternative.

Finally, the Statement of Overriding Considerations (Exhibit B of this Resolution), presents in detail the reasons for selecting the Adopted General Plan, in spite of the Significant Unavoidable Impacts reported in the Final MEIR.

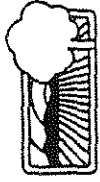
ATTACHMENT D-1

 TABLE I-5: PROJECTED POPULATION AND EMPLOYMENT, GENERAL PLAN ALTERNATIVES

	<u>Preferred</u>	<u>Alternative A</u>	<u>Alternative B</u>	<u>Alternative C</u>	<u>Alternative D</u>
<i>Dwelling Units</i>	169,200	148,100	141,700	118,300	119,100
<i>Population</i>					
Redevelopment Area	2,300	2,300	2,300	2,300	2,300
Baseline Developed Area	300,300	260,700	260,700	260,700	260,700
Planned Urbanizing Area	<u>205,000</u>	<u>181,400</u>	<u>162,100</u>	<u>92,000</u>	<u>94,300</u>
Total	507,600	444,400	425,100	355,000	357,300
<i>Employment</i>					
Redevelopment Area	53,700	53,700	53,700	69,000	53,700
Baseline Developed Area	100,500	90,300	90,300	90,300	90,300
Planned Urbanizing Area	<u>162,100</u>	<u>83,000</u>	<u>85,700</u>	<u>3,700</u>	<u>19,000</u>
Total	316,300	227,000	229,700	163,000	163,000

Note: Although the Draft MEIR listed the population under Alternative B as 425,100, the traffic analysis for the Draft MEIR (and this Final MEIR) was based on a population of 514,400.

SOURCE: City of Modesto



CITY OF MODESTO
GENERAL PLAN PROGRAM

FIGURE III-1
ADOPTED
LAND USE DIAGRAM

LEGEND

LAND USE ZONES AND LAND USE DESIGNATIONS

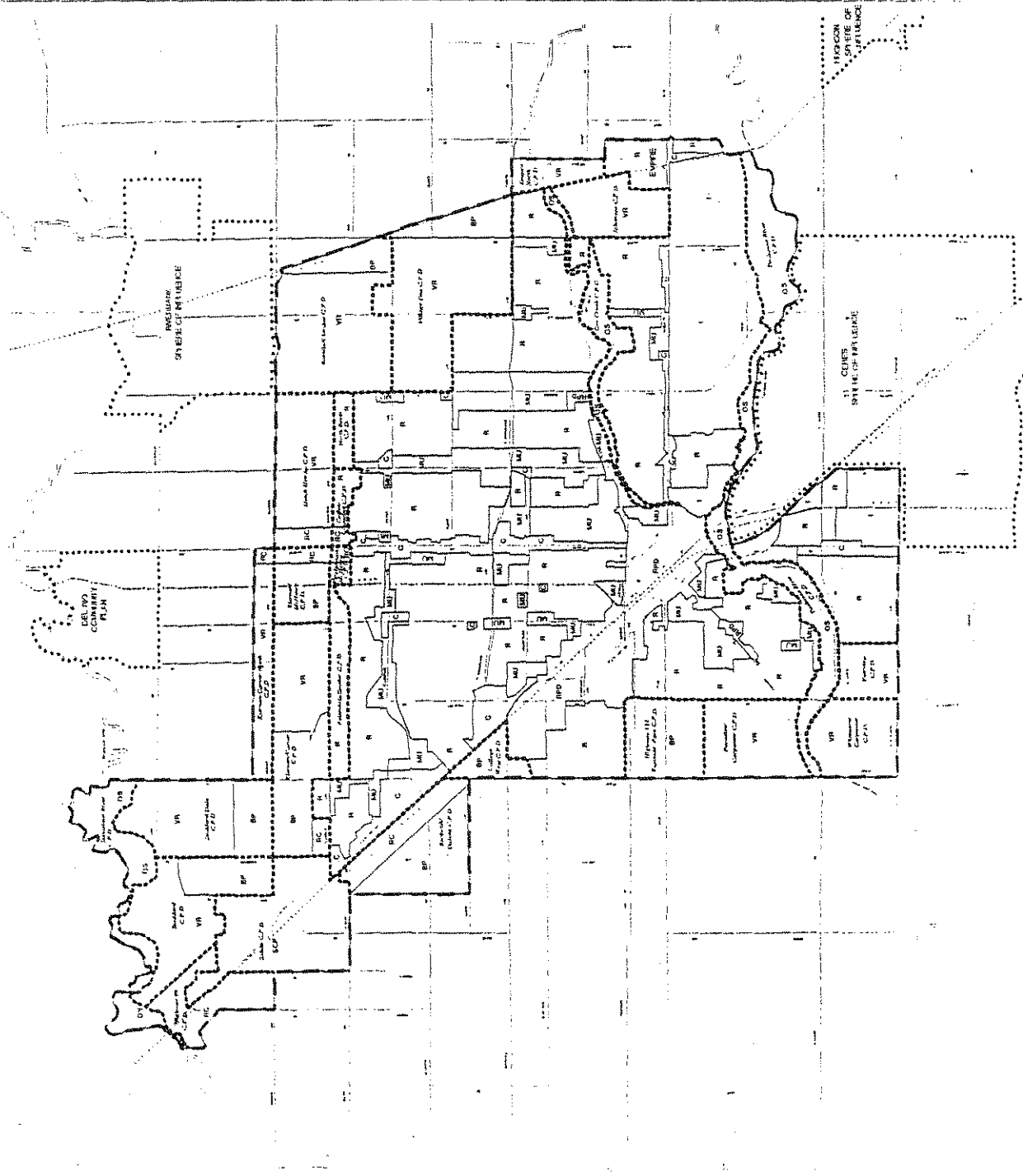
- R Residential
- MA Medium Density Residential
- C Commercial
- I Industrial
- IPD Industrial Professional District
- VR Village Residential
- RC Regional Commercial
- BP Business Professional
- OS Open Space
- SCP Special Use (See Schedule of the Unified Community Plan)

BOUNDARIES

- UNINCORPORATED CITIES AND TOWNSHIPS
- COUNTY AND JUDICIAL
- CHANGES IN LAND USE DESIGNATIONS
- CHANGES IN LAND USE DESIGNATIONS
- CHANGES IN LAND USE DESIGNATIONS
- CHANGES IN LAND USE DESIGNATIONS

BOUNDARY ZONES

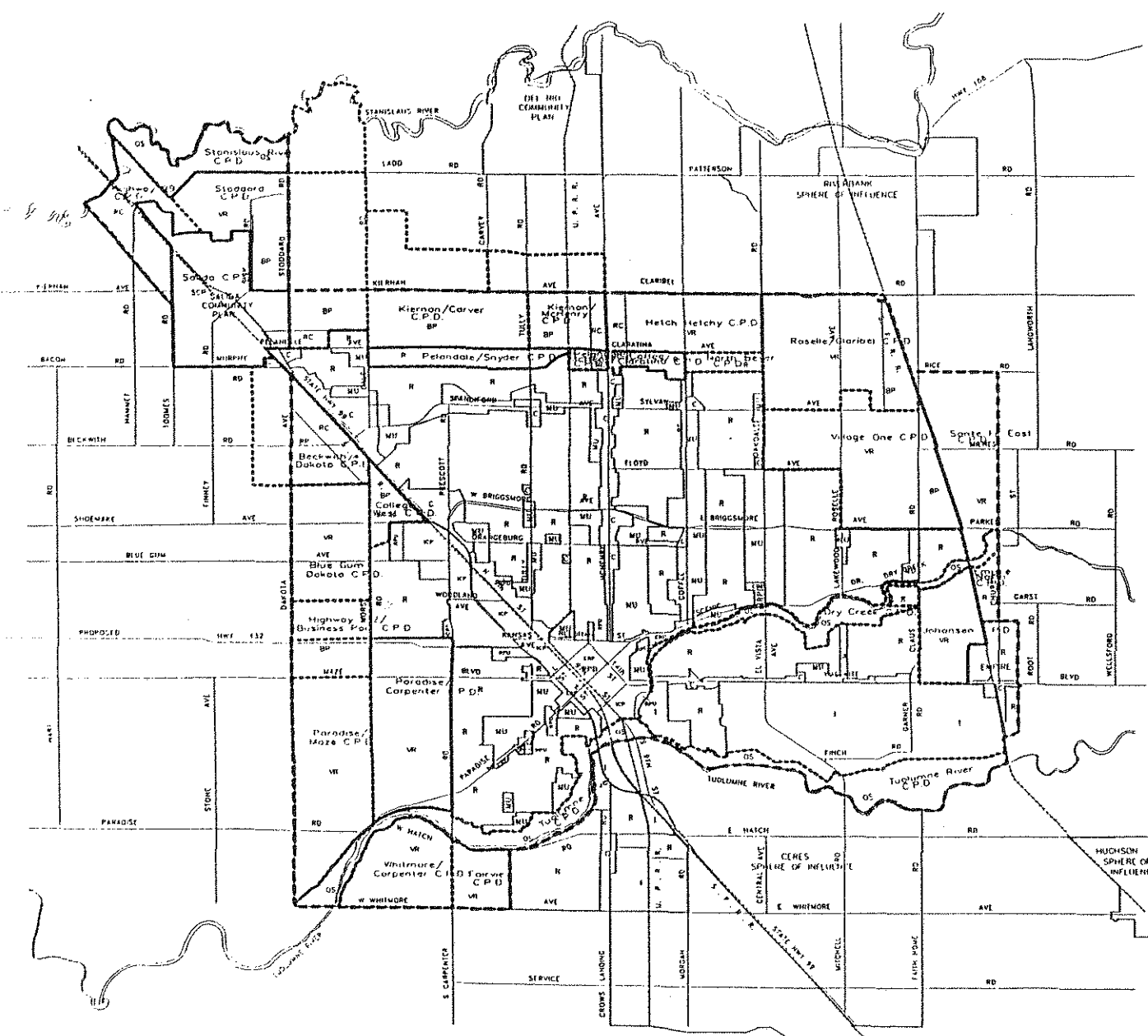
- District
- Precinct
- Ward
- City
- County
- State
- National





CITY OF MODESTO GENERAL PLAN PROGRAM

FIGURE C-2 LAND USE DIAGRAM PREFERRED ALTERNATIVE Planning Commission Recommendation



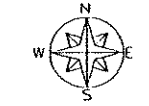
LEGEND

- ADOPTED GENERAL PLAN LAND USE DESIGNATIONS:**
- R Residential
 - MU Mixed Use
 - C Commercial
 - I Industrial
 - RPD Redevelopment Planning District
 - VR Village Residential
 - RC Regional Commercial
 - BP Business Park
 - OS Open Space
 - SCP Land Use Designations of the Solida Community Plan

- BOUNDARIES:**
- BOUNDARY BETWEEN GENERAL PLAN DESIGNATIONS

- COMPREHENSIVE PLANNING DISTRICTS**
- C.P.D. — COMPREHENSIVE PLANNING DISTRICT BOUNDARY (see Section III-E)

- REFERENCE POINTS**
(For illustration only, not adopted)
- Streets
 - Freeways
 - Railroads
 - Rivers
 - Adjacent Community Boundary



Modified by
ENVIRONMENTAL SCIENCE ASSOCIATES
FILE # 8-10000-000
MAY 16, 1990

ATTACHMENT D-3



CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure D-1
LAND USE DIAGRAM
ALTERNATIVE A

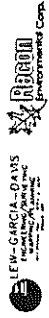
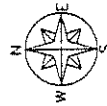
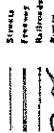
LEGEND

- GENERAL PLAN LAND USE DESIGNATIONS**
- R Residential
 - BU Business
 - C Commercial
 - I Industrial
 - CPD Comprehensive Planning District
 - MPD Metropolitan Planning District

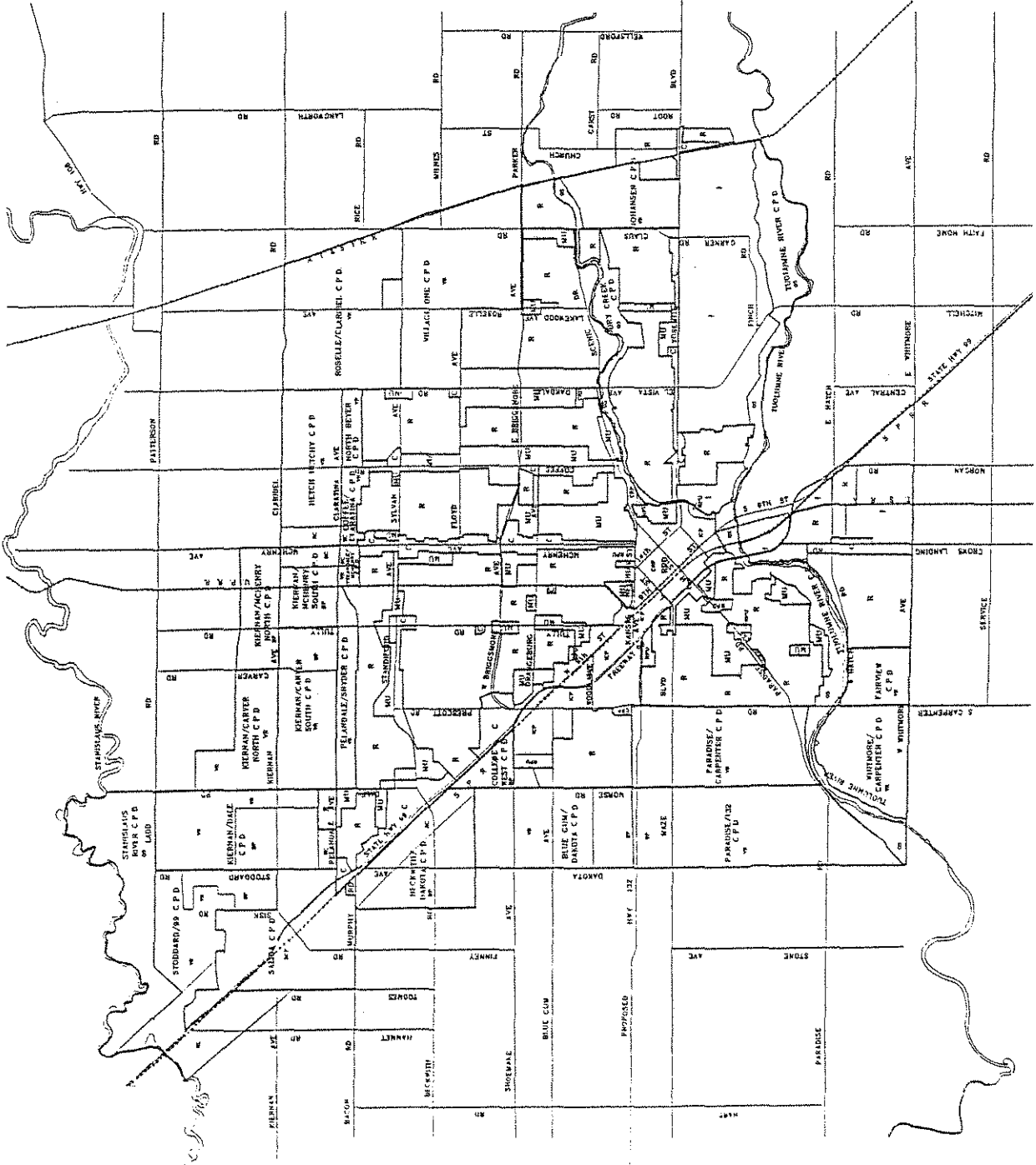
ILLUSTRATIVE LAND USE DESCRIPTIONS

1. Within the Metropolitan Area -
 - CBP Commercial/Residential/Public
 - ICP Industrial/Commercial/Public
 - MPD Metropolitan/Community
 - RPD Residential/Public Use
2. Within the Comprehensive Planning Districts -
 - VR Village Residential
 - VB Village Residential with Business Park
 - RC Regional Commercial
 - BP Business Park (10 employees/acre)
 - OS Open Space
 - SCP State land used as designated by Stanislaus County for the State Community College

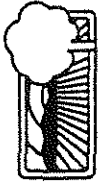
REFERENCE COLORS
(For illustration only; not adopted)



Modified By: [Signature]
ENVIRONMENTAL SCIENCE ASSOCIATES



ATTACHMENT D-5



CITY OF MODESTO GENERAL PLAN PROGRAM

Figure D-2
LAND USE DIAGRAM
ALTERNATIVE B

LEGEND

ADDED GENERAL PLAN LAND USE DESIGNATIONS

- R Residential
- MU Mixed Use
- C Commercial
- I Industrial
- CPD Comprehensive Planning District
- RPD Redevelopment Planning District

RESIDENTIAL LAND USE DESIGNATIONS

I Within the Redevelopment Area -

- CRP Commercial/Residential/Public
- ICP Industrial/Commercial/Public
- RPU Residential/Public Use

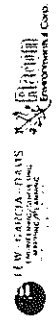
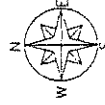
Without the Comprehensive Planning Districts

- VR Village Residential
- VRP Village Residential with Banner Park
- RC Regional Commercial
- MC Medium Density (20 employees/acre)
- BP-25 Business Park (25 employees/acre)
- OS Office Space
- SCP State land use, as adopted by Stanislaus County for the Stanislaus Community Plan

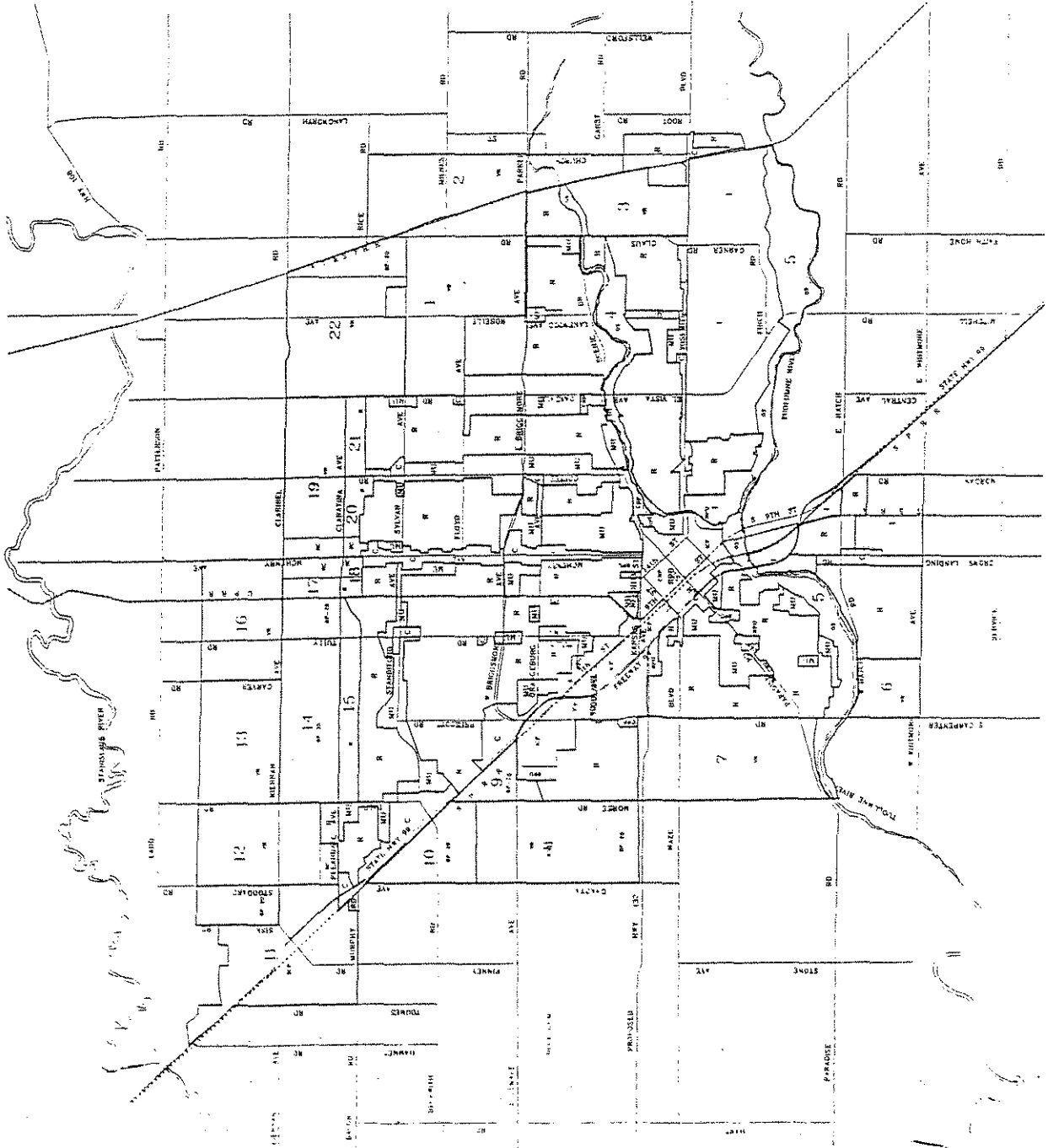
REFERENCE SYMBOLS

(By illustration only, not adopted)

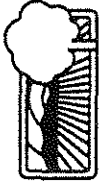
- Streets
- Freeways
- Railroads
- Rivers



Modified by
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Fax: 209/533-1112



ATTACHMENT D-6



CITY OF MODESTO GENERAL PLAN PROGRAM

Figure D-3
LAND USE DIAGRAM
ALTERNATIVE C

LEGEND

ADDED GENERAL PLAN LAND USE DESIGNATIONS

- R Residential
- MU Mixed Use
- C Commercial
- RI Industrial
- EPB Employment Planning District
- MPD Metropolitan Planning District

ILLUSTRATIVE LAND USE DESIGNATIONS

1 Within the Redevelopment Area -

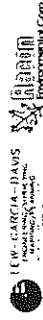
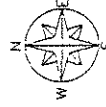
- CCP Community/Residential/Public
- CCP Industrial/Commercial/Public
- RPV Residential/Public Use

2 Within the Comprehensive Planning District -

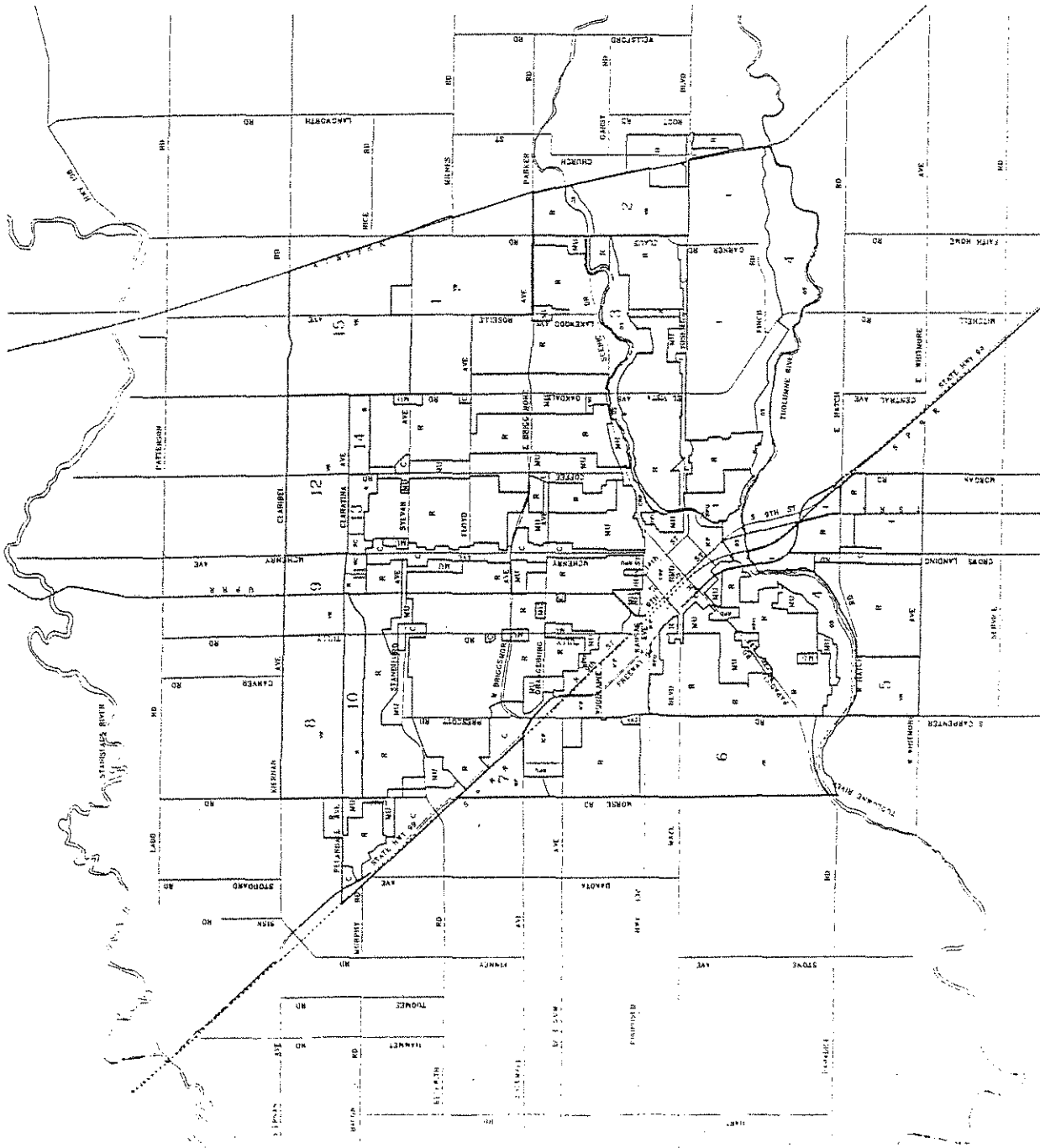
- VR Village Residential
- VRB Village Residential with Business Park
- RC Regional Commercial
- RP Regional Park (18 employees/acre)
- OS Open Space

RAILROAD POINTS

(For illustration only, not depicted)



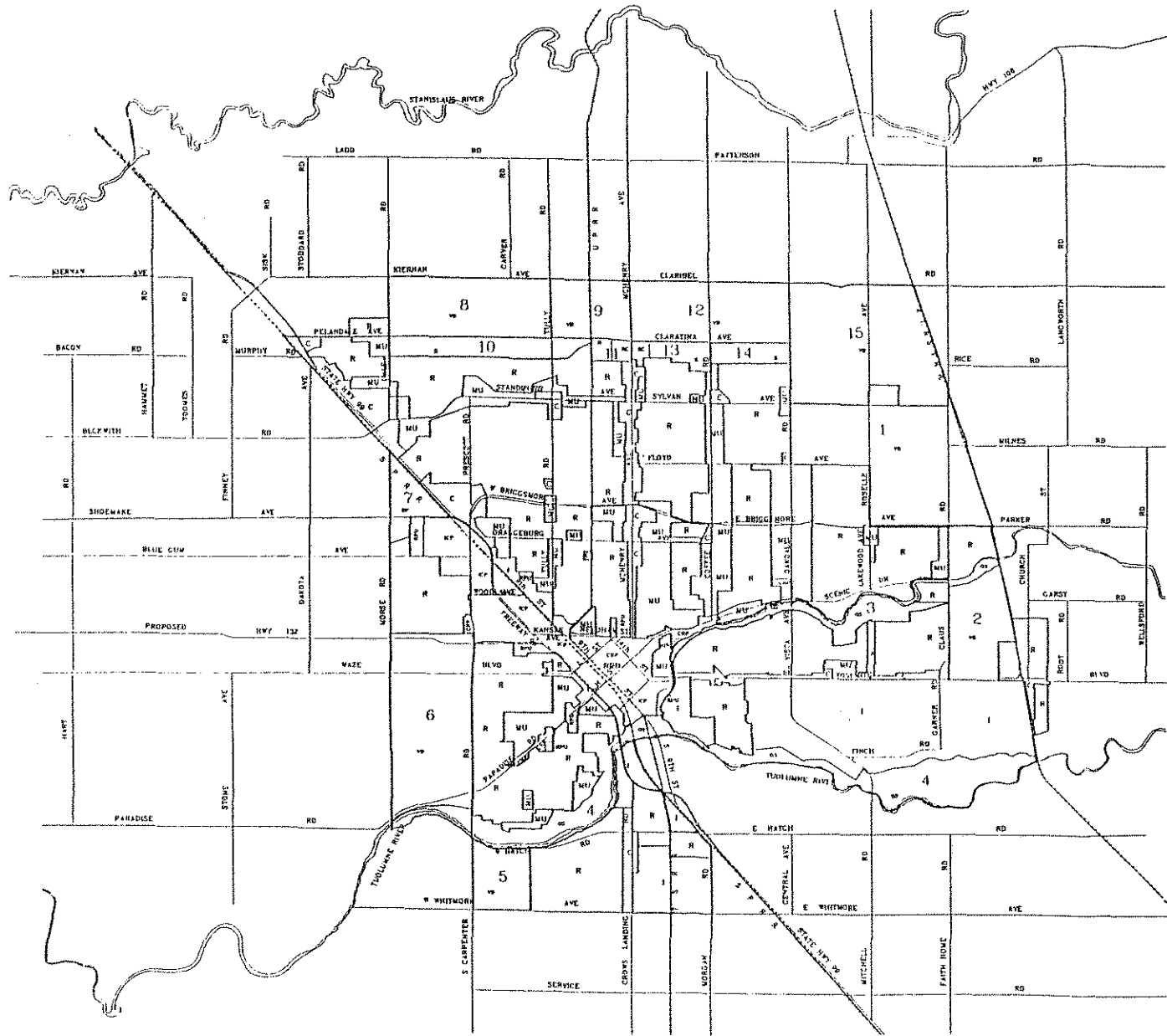
Modified by
ENVIRONMENTAL SCIENCE ASSOCIATES
1992





CITY OF MODESTO GENERAL PLAN PROGRAM

Figure D-4 LAND USE DIAGRAM ALTERNATIVE D



LEGEND

ADOPTED GENERAL PLAN LAND USE DESIGNATIONS

- R Residential
- MU Mixed Use
- C Commercial
- I Industrial
- C.P.D. Comprehensive Planning District
- R.P.D. Redevelopment Planning District

ILLUSTRATIVE LAND USE DESIGNATIONS

- 1 Within the Redevelopment Area -
 - CRP Commercial/Residential/Public
 - ICP Industrial/Commercial/Public
 - RP Residential/Public Uses
- 2 Within the Comprehensive Planning Districts -
 - VB Village Residential with Business Park
 - BC Regional Commercial
 - BP Business Park (10 employees/acre)
 - OS Open Space

REFERENCE EDGES (For illustration only, not adopted)

- Streets
- Freeway
- Railroads
- Rivers



LEW-GARCIA-DAMS
PLANNING AND ENVIRONMENTAL CONSULTANTS

Recon
Environmental Corp.

Modified by
ENVIRONMENTAL SCIENCE ASSOCIATES

M.S. 1-100-0-00
MAY 8, 1988

Exhibit E

Mitigation Monitoring Program

Section 21081.6 of the Public Resources Code requires what is commonly referred to "Mitigation Monitoring." The actual requirement is as follows: "The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation." (21081.6(1), Public Resources Code.)

Attached is a comprehensive listing of all mitigation measures which are certified by the City Council for inclusion in the Final Master Environmental Impact Report.

The following format is employed for each mitigation measure, in order to comply with the Mitigation Monitoring requirement of Section 21081.6 of the Public Resources Code:

a. Method of Project Implementation

The City of Modesto intends to adopt all of the mitigation measures into the Modesto Urban Area General Plan as Policy Statements. This approach will comply with Section 21081.6(2)(b), which states:

"A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures, or in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design." (emphasis added)

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

In order to ensure compliance of a subsequent project with the Mitigation Measure, the measure itself must be carefully written. It is important to describe the means by which the mitigation measure relates to current practices, or established methods of review.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures", as follows:

The City intends to adopt the subject mitigation measure as a Policy Statement in the General Plan. This approach will comply with Public Resources Code Section 21081.6(2)(b).

1. Certified Mitigation Measure #1

- A. 1. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis (Appendix II-A of this Master EIR) to achieve LOS "D" or better in the year 2025 (as shown in Figure I-5 and Appendix II-A) cannot cause, without further study, conditions to be worse than LOS "D" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)
- b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Level of Service Standards are commonly-accepted means to evaluate traffic congestion levels.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

2. Certified Mitigation Measure #2

- A. 2. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "E" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause conditions on those facilities to exceed LOS "E" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

- a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure 1-5 and Appendix A. (Section 21157.5(a) of CEQA.)
- b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure 1-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Level of Service Standards are commonly-accepted means to evaluate traffic congestion levels.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

3. Certified Mitigation Measure #3

- A. 3. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in Figure 1-5 and Appendix II-A) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle/capacity (v/C) ratio of 0.05 or greater for roadway segments or intersections whose v/c ratio is estimated to be 1.00 or higher in 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.
- a. A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in Figure I-5 and Appendix A. (Section 21157.5(a) of CEQA.)
 - b. A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in Figure I-5 and Appendix A. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Level of Service Standards are commonly-accepted means to evaluate traffic congestion levels.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

4. Certified Mitigation Measure #4

- A. 4. Designated City staff will review future development project proposals within the Baseline Developed Area, on a case-by-case basis. The following criteria will be applied to each proposal, and a determination made by the Public Works and Transportation Director, regarding the acceptable or appropriate level of project impact on the circulation network.
- a. For proposed development projects that conform to the General Plan-approved land use for that site, it is assumed that the adopted performance standards for the circulation system within the area of impact will be maintained. For such projects, the designated City staff will establish an appropriate scope of study for a "Site Access Study" which may address project impacts to adjacent or nearby intersections, as described in Mitigation Measures 1-3.
 - b. The "Site Access Study" shall, at a minimum, analyze, and resolve the following:
 - (1) impacts to roadway intersections that are adjacent to the project site.
 - (2) impacts to other intersections considered to have a key role in regulating access to the project site or substantial traffic flow between the project site and a key arterial roadway.
 - (3) impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to off-site bicycle/pedestrian circulation systems, and transit services.
 - (4) on-site parking needs and impacts to off-site parking, when applicable.
 - (5) other operational or safety-related concerns and issues, including site access.
 - c. The proposed development project will be designed to incorporate all recommendations of the "Site Access Study."
 - d. If implementation of the definitive recommendations of the Site Access Study is impractical or infeasible, a Focused Environmental Impact Report, including a Comprehensive Traffic Study will be required. That Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.
 - e. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C9) describe the means to review development in the Baseline Developed Area. This Mitigation Measure has been incorporated into the General Plan as Policy V-B(6).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

5. Certified Mitigation Measure

- B. 1. Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works Director, and be included in a Focused EIR for each respective Comprehensive Plan.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Principal Comprehensive Planning District Policies (Section III-D(1)) provide the means to review development in the Planned Urbanizing Area. This Mitigation Measure has been incorporated into the General Plan as Policy V-B(7).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*

Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public streets.

6. Certified Mitigation Measure #6

B. 2. The Comprehensive Traffic Study shall include the following components:

- a. Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all internal Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.
- b. If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Level of Service standards are commonly-accepted means to evaluate traffic congestion levels.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

7. Certified Mitigation Measure #7

- B. 3. For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) a subsequent, Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:
 - a. Impacts to roadway intersections that are adjacent to the project site.
 - b. Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.
 - c. On-site parking needs.
 - d. Other safety-related concerns.

Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study."

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Comprehensive Plans must conform to Section V-B(7).

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

8. Certified Mitigation Measure #8

- B. 4. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

General Plan Amendments must evaluate traffic impacts (Section II-C(4)(c)).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

9. Certified Mitigation Measure #9

- C. 1. Data from the General Plan Traffic Analysis, described in Appendix II-A, shall be utilized to evaluate the effectiveness of mitigation measures presented in this section.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Comprehensive Plans must conform to Section V-B(7).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

*Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public streets.*

10. Certified Mitigation Measure #10

- C. 2. The General Plan Traffic Analysis and Model shall be kept current through periodic updates, performed either unilaterally by the City or in conjunction with a focused EIR, which includes a Comprehensive Traffic Study.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Section II-C(3) describes the process for maintenance of the Master EIR, including the General Plan traffic analysis.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section 21157.6 of the Public Resources Code requires the General Plan Traffic Analysis to be kept up to date. Section II-C(3) of the General Plan reinforces this requirement.

11. Certified Mitigation Measure #11

- C. 3. The City may implement or adopt a number of policy-oriented and operational measures to improve roadway circulation conditions. Collectively, the measures may produce small scale reductions in regional and site-specific trip generation. The following measures are taken from the approved list of Transportation Control Measures (TCMs) from the 1991 Air Quality Attainment Plan, prepared by the San Joaquin Valley Air Pollution Control District (SJVUAPCD). However, the list is comparable to the measures that are encouraged under the Congestion Management Planning statutes (passed via Statewide Proposition 111). The measures are summarized below.
- a. The City shall carry out a citywide transportation improvement plan to accommodate peak hour traffic flow on arterial streets and major collector streets. This plan shall include additional lanes, striping, and turning pockets.
 - b. The City shall adopt a goal of improving public transportation that would include increased bus and light rail service. This could help mitigate some issues related to site-specific intersection operations or parking requirements, , if combined with other trip reduction measures. The ability to add service shall be determined by the availability of public sector funding sources and extent of private sector participation or subsidy.

- c. The City shall adopt a Trip Reduction Ordinance which may include the following measures, most of which require implementation at the employer level:
- in-house matching services (for carpools and vanpools) at employers with over 100 weekday employees, or at large development sites occupied by several smaller employers, or coordination with Caltrans' "Commuter Computer" program;
 - employer-based dissemination of commute information;
 - employer subsidies for transit passes and incorporation of transit stop facilities into site design;
 - a program to guarantee rideshare participants a ride home in case of emergency;
 - flex-time scheduling;
 - site plan design which encourage pedestrian movement between adjacent land uses;
 - incentives such as preferred parking for carpoolers;
 - encouraging submission of site plans featuring mixed-land uses or "neo-traditional" design; and
 - encouraging employers to experiment with telecommuting options, where feasible.
- d. The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements. Facilities for mode transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.
- e. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:
- Amtrak. The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.
 - Inter-regional Rail Service. The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.
 - Light Rail Transit. The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail

lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.

- Freight Rail. The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of “truck on rail” as a technique for reducing through-truck traffic on highway corridors.

The City shall also encourage increased use of freight rail transportation service, and establishment of inter-modal facilities and links to help reduce through truck traffic on state highways and arterial roadways.

- f. The City will work with Caltrans to promote the application of advanced technology to help manage congestion, and enhance roadway capacity and safety. Known as “Intelligent Transportation Systems (ITS), the program includes the following components:

Advanced Traffic Management Systems (ATMS), which maximize capacity of the transportation system, and involves using technology to manage traffic flow, disseminate real-time travel information to travelers, improving emergency response, and coordinate inter-agency traffic management.

Advanced Traveler Information Systems (ATIS), which provides on-board navigation that can provide congestion and accident information and alternative travel routes

Commercial Vehicle Operation (CVO), which restricts commercial vehicles from operating during commute peak hours, and helps transportation companies track their vehicles

Advanced Vehicle Control Systems (AVCS), which use on-board and in-road guidance systems to optimize vehicle speed and movement.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

All future City actions regarding transportation will be guided by these mitigation measures (Section V-B(5)).

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-B(5) of the General Plan presents these Mitigation Measures as General Plan Policies.

12. Certified Mitigation Measure #12

- C. 4. Any necessary crossings of the Santa Fe Railroad corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In a letter dated March 30, 1995, the AT&SF Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe's rail line.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The letter dated March 30, 1995 (included in Appendix I of the Final EIR) provides a means to ensure resolution of AT&SFs concerns.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

13. Certified Mitigation Measure #13

1. The City of Modesto shall implement measures to reduce motor vehicle use and related ozone precursor and PM₁₀ emissions through changes to the transportation infrastructure. Table 2-2 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provides the means to review future development.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

14. Certified Mitigation Measure #14

2. The City of Modesto and project proponents shall implement measures to reduce vehicle use and associated emissions related to existing and future land use development in the City of Modesto. Table 2-3 in the MEIR describes those measure to be implemented, as well as additional measures which may be implemented at the discretion of the City.

- a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provide the means to review future development.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

15. Certified Mitigation Measure #15

3. The City of Modesto shall implement measures to reduce emissions associated with energy use by residences and businesses. Table 2-4 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

- a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provide the means to review future development.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

16. Certified Mitigation Measure #16

4. The City of Modesto shall implement measures to reduce emissions associated with future development through the CEQA review process. Table 2-5 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District policies (Section III-D(1)) provide the means to review future development.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

17. Certified Mitigation Measure #17

5. The City of Modesto recognizes the efforts of the San Joaquin Valley Unified Air Pollution Control District, to identify the cumulative transportation and air quality impacts of all general plan amendments approved during the previous years. This measure is intended to track the effectiveness of current air-quality-related programs and guide revision to these programs through periodic review of cumulative air quality impact in the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Section II-C(3) describes the process for maintenance of the Master EIR.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VI-H of the General Plan presents these Mitigation Measures as General Plan Policies.

18. Certified Mitigation Measure #18

- 6. The City of Modesto shall work with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.

- a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

This Measure presents an on-going commitment for the City.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

19. Certified Mitigation Measure #19

- 7. The City of Modesto shall coordinate with other jurisdictions and other regional agencies in the San Joaquin Valley to establish parallel air quality programs and implementation measures (trip reduction ordinances, indirect source programs, etc.).

- a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

This Measure present an on-going commitment for the City.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

20. Certified Mitigation Measure #20

8. The City of Modesto shall implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Table 2-6 in the MEIR describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The City’s Municipal Code regulates construction activities.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

21. Certified Mitigation Measure #21

9. The City of Modesto shall work to improve the public's understanding of the land use, transportation, and air quality link.

a. Method of “Project Implementation”

This Mitigation Measure is intended to reduce air quality impacts through interagency coordination.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Through this Policy, the General Plan provides an on-going commitment to achieving this Mitigation Measure.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

22. Certified Mitigation Measure #22

10. The City of Modesto shall encourage local public and private groups to provide air quality education programs.

- a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

Through this Policy, the General Plan provides an on-going commitment to achieving this Mitigation Measure.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-H of the General Plan presents these Mitigation Measures as General Plan Policies.

23. Certified Mitigation Measure #23

11. The City of Modesto shall require residential development project and projects categorized as sensitive receptors (hospitals, schools, convalescent homes, etc.) to be located an adequate distance from existing and potential sources of toxic and/or odorous emissions such as freeways, major arterials, industrial sites, refuse transfer or disposal sites and hazardous material locations.

- a. Method of “Project Implementation”**

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District Policies (Section III-D(1)) provide the means to review future development projects.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

24. Certified Mitigation Measure #24

12. The City of Modesto shall require new air pollution sources such as, but not limited to, industrial, manufacturing, and processing facilities to be located an adequate distance (based on pollutant dispersion characteristics, site orientation, prevailing winds, etc.) from residential areas and other sensitive receptors.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Overall Land Use Policies (Section III-C(1)) and the Principal Comprehensive Planning District Policies (Section III-D(1)) provide the means to review future development projects.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

25. Certified Mitigation Measure #25

13. The City of Modesto shall implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Table 2-6 in the MEIR

describes those measures to be implemented, as well as additional measures which may be implemented at the discretion of the City.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This measure is intended to minimize exposure of the public from toxic air contaminants from construction activities. Typically, the building permit and grading permit processes provide adequate opportunities to address these issues.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-H(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

26. Certified Mitigation Measure #26

- A. 1. The City of Modesto shall require noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g. where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.) The City should consider potential mitigation measures, including, but not limited to, the following:
- a. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
 - b. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable,") shown in Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This measure is intended to minimize exposure of the public from toxic air contaminants from construction activities. Typically, the building permit and grading permit processes provide adequate opportunities to address these issues.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-B(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

27. Certified Mitigation Measure #27

A. 2. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation:

- a. Single-family Residential uses: the Ldn 65 contour, as depicted on the most recent noise contours for the City, shown in Figure VII-1.
- b. Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels which are “conditionally acceptable,” “normally unacceptable,” or “clearly unacceptable,”) shown on Figure VII-2 and the most recent noise contours for the City shown in Figure VII-1.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Day-Night Average Sound Level (Ldn) is a 24-hour average of the sound levels. This is a commonly-accepted standard for noise evaluation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

28. Certified Mitigation Measure #28

- A. 3. For new single-family residential development within the Ldn 65 contour, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
- a. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - b. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.
 - c. Incorporate construction techniques to achieve an interior noise limit of 45 Ldn (these potential techniques are presented in CCR Title 24 standard).

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The Day-Night Average Sound Level (Ldn) is a 24-hour average of the sound levels. This is a commonly-accepted standard for noise evaluation.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

29. Certified Mitigation Measure #29

- A. 4. The City of Modesto shall use the most recent noise contour map to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Title 24 applies to multi-family housing, not single-family.) Title 24 also specifies minimum values for the sound insulation afforded by interior partitions separating different dwelling units from each other, and from interior common space.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The reference to Title 24 is appropriate because the City’s building code is based on this Section of State law.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

30. Certified Mitigation Measure #30

- A. 5. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines (Figure VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
- a. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - b. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses from noise sources.
 - c. Incorporate construction techniques to achieve specified interior noise limits. One source that can be used for such specifications is the “Recommended Maximum Interior Noise Level Criteria for Intermittent Noise,” (Table 2, Noise Insulation Problems in Buildings, Paul S. Veneklasen & Associates, January 1973).

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The above-recommended practices are commonly-accepted means of noise mitigation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

31. Certified Mitigation Measure #31

- A. 6. With road extension, widening and upgrade projects, the City of Modesto shall provide barriers of sufficient height and length to minimize noise impacts on adjacent uses.
- a. Widened right-of-way;
 - b. Depressed roadway alignments;
 - c. Earthen berms or earthen/wall combination;
 - d. Walls;
 - e. Acoustical retrofitting to affected parties.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The above-recommended practices are commonly-accepted means of noise mitigation.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)
Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

32. Certified Mitigation Measure #32

- A. 7. In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-1, builders, developers (for private development projects) and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on

Figure VII-1 due to, for example, natural shielding (e.f. from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the contours.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The above-recommended practices are commonly-accepted means of noise mitigation.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq. Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

33. Certified Mitigation Measure #33

- A. 8. The City of Modesto shall limit trucking to specific routes, times, and speeds that minimize adverse effects to sensitive land uses such as schools and residential areas.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Through the Municipal Code, the City has the ability to designate specific truck routes.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-G(3) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

34. Certified Mitigation Measure #34

- A. 9. To address noise impacts related to operation of the Airport, the City shall continue with noise abatement measures related to the airport operations (included in the Airport's approved FAR Part 150 Program) including curfews, ground run-up suppressors, prohibition of operations of some aircraft types at certain hours of the day, land acquisition to prevent development in noise impacted areas, use of appropriate zoning and implementation of sound insulation programs in the aircraft noise impacted area.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The Airport's approved FAR Part 150 Program provides the means to enforce noise mitigation measures.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

35. Certified Mitigation Measure #35

- A. 10. Proponents of new heliports where projected noise impacts from helicopter operations would exceed 65 Ldn at the nearest residential uses should utilize the latest FAA helicopter modeling tools and noise assessment criteria.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The Day-Night Average Sound Level (Ldn) is a 24-hour average of sound levels. It is a commonly-accepted standard for noise evaluation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

36. Certified Mitigation Measure #36

- B. 1. The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be “used as a guide for establishing a pattern of land uses...that minimizes the exposure of [present and future] community residents to excessive noise.” (Section 65302(f), Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate within the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.)

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This responds to the state law requirement for Noise Element for the General Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

37. Certified Mitigation Measure #37

- B. 2. All Noise Mitigation Policies adopted for the Baseline Developed Area apply equally in the Planned Urbanizing Area.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This responds to the state law requirement for Noise Element for the General Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

38. Certified Mitigation Measure #38

- A. 1. If a subsequent project is within the Baseline Developed Area or Redevelopment Area as identified on the General Plan Growth Strategy Diagram (reproduced as Figure C-1 in the Project Description of the MEIR), the project shall be considered to have minimal effect on the conversion of agricultural lands, and no mitigation for that impact is required.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This reflects Section 21157.6 of CEQA which ensures the adequacy of the Master EIR.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

39. Certified Mitigation Measure #39

- B. 1. Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farmland, foster resident convenience, and provide for economy in City services.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

40. Certified Mitigation Measure #40

- B. 2. Residential growth and development within the Modesto Urban Area General Plan shall take place only following annexation to the City.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

41. Certified Mitigation Measure #41

- B. 3. Urban growth should be directed, as long as economically feasible, to areas currently served with City services.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

*Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.*

42. Certified Mitigation Measure #42

- B. 4. Where necessary to promote planned City growth, the City shall encourage development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

43. Certified Mitigation Measure #43

- B. 5. The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density. Potential conflicts between agricultural and urban uses should be resolved through appropriate land use measures.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

44. Certified Mitigation Measure #44

- B. 6. For any subsequent project that is adjacent to an existing agricultural use, the project proponent shall incorporate measures to reduce the potential for conflicts with the agricultural use. The City shall consult Table 4-1 in the MEIR, and shall select appropriate measures for the project proponent to implement.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

45. Certified Mitigation Measure #45

- C. 1. The City shall encourage the County to retain agricultural uses on lands surrounding the General Plan area and on lands within the General Plan area pending their annexation to the city or development by mutual agreement with the County.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-D(3) of the General Plan presents these Mitigation Measures as General Plan Policies.

46. Certified Mitigation Measure #46

- A. 1. During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City shall refer to Table 5-1 in the MEIR for techniques.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to annexation and/or development.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

47. Certified Mitigation Measure #47

- B. 1. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)
Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

48. Certified Mitigation Measure #48

- C. 1. The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high quality water for urban uses.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to development.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

49. Certified Mitigation Measure #49

- C. 2. The City of Modesto will strive to stabilize groundwater levels and eliminate groundwater overdraft, as part of a conjunctive groundwater-surface water management program. The City shall view regional water sources, such as groundwater, surface water and recycled wastewater, as an integrated hydrologic system when developing water management programs.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies.

50. Certified Mitigation Measure #50

- C. 3. The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's Sphere of Influence. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial

providers for the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies.

51. Certified Mitigation Measure #51

- C. 4. The City supports the local management of groundwater resources, rather than state regulation or adjudication. The City will adopt a Groundwater Management Plan in accordance with AB3030, and in cooperation with the adjacent and overlying water providers within the groundwater basins the City occupies.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-C(2) of the General Plan presents these Mitigation Measures as General Plan Policies.

52. Certified Mitigation Measure #52

- A. 1. The City's wastewater system capacity will be allocated to existing and future residential, commercial and industrial customers. Discharges from environmental cleanup sites may be issued conditional discharge permits subject to the availability of excess treatment capacity. In accordance with federal and state regulations, all discharges to the wastewater system may not, or may not threaten to, upset, interfere, or pass through the wastewater system.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:**

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

- c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:**

Section V-D(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

53. Certified Mitigation Measure #53

- B. 1. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:**

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

54. Certified Mitigation Measure #54

- B. 2. Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V [of the General Plan].

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public sewer.

55. Certified Mitigation Measure #55

- B. 3. The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

56. Certified Mitigation Measure #56

- C. 1. To protect public health and the environment, the City of Modesto will maintain the standards for effluent water and biosolids, from Modesto's wastewater treatment facilities, as established by the Central Valley Regional Water Quality Control Board, in compliance with the Federal Clean Water Act, the State Porter-Cologne Act, and their implementing regulations, current and future.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)
Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.

57. Certified Mitigation Measure #57

- C. 2. The City will encourage the regional beneficial use of reclaimed water. The City is committed to development of a full reclamation program in the long term.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)
Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.

58. Certified Mitigation Measure #58

- C. 3. The City should utilize source control and demand management among its tools for accomplishing the most cost-effective wastewater management, protective of public health and the environment.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

59. Certified Mitigation Measure #59

- C. 4. The City of Modesto shall approve and implement the 1994 Draft Wastewater Master Plan. As the City’s population increases, the City shall update the Wastewater Master Plan as appropriate to adequately address the sewage collection and treatment needs anticipated at General Plan buildout.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

*Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.*

60. Certified Mitigation Measure #60

- A. For proposed development consistent with the General Plan Update on lands within the Baseline Developed Area and Redevelopment Plan Area, exclusive of lands within the designated riparian corridors and the Dry Creek and Tuolumne River Comprehensive Planning Districts, no further biological study is warranted unless specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-E(2) of the General Plan presents these Mitigation Measures as General Plan Policies.

61. Certified Mitigation Measure #61

- B. 1. For all lands within the Planned Urbanizing Area that contain or potentially contain valley foothill riparian, riverine, wetland, grassland and pasture habitats, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. In particular, proposed development within any lands included within a riparian corridor as delineated on the Riparian Corridor Diagrams shall trigger the need for a site-specific survey and assessment of potential impact to sensitive species or their habitats.

Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

62. Certified Mitigation Measure #62

- B. 2. All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signage and/or establishment of buffer zones as appropriate to the species or habitat involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

63. Certified Mitigation Measure #63

- B. 3. Where formally listed species are determined present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-E(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

64. Certified Mitigation Measure #64

4. Other measures to protect sensitive habitats shall be implemented. The City shall consult Table 7-1 in the MEIR for a list of the measures to be implemented.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Biological analysis within the Master EIR has used commonly-accepted analytical criteria of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and the State Lands Commission.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-E(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

65. Certified Mitigation Measure #65

- A. 1. For all proposed development within an identified archaeological resource study zone boundary, a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

Where proposed development could affect the resources, the City shall consult Table 8-1 in the MEIR for the steps to be implemented.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*

*Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.*

66. Certified Mitigation Measure #66

- A. 2. For proposed development outside an identified archaeological resource study zone boundary, no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would allow the procedure described in Mitigation Measure 1, above.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

67. Certified Mitigation Measure #67

- A. 3. The City of Modesto shall implement regulations which identify important historic resources, and establish regulations to preserve the important aspects of those resources. The City could encourage adaptive reuse of listed buildings, including historically sensitive restoration, as a means of preserving eligible structures. Restoration and renovation of buildings should be performed in accordance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties" and the State Historic Building Code. The standards serve as guidelines for rehabilitation, restoration, preservation, retaining and preserving historic character of a property.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

68. Certified Mitigation Measure #68

- A. 4. When structures or areas of historical significance over 45 years old are proposed for demolition, alteration, or where construction is proposed within 100 feet of that structure, the applicant shall submit data to the City regarding the structure's history or locations prepared by a qualified architectural historian. The City shall evaluate the historical significance of the proposal and require measures be implemented to preserve all structures and places it deems historically significant.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

69. Certified Mitigation Measure #69

- C. 1. The City shall require that zoning provisions for structures of historical significance are sufficiently flexible to ensure that the parking or other structures requirements of the Zoning Ordinance allow the historic structures to remain viable in the future.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Archeological and historical analysis in the Master EIR has used commonly-accepted analytical criteria of the Central California Information Center (Turlock), National Register of Historic Places, and California State Office of Historic Preservation.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VII-F(2) of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

70. Certified Mitigation Measure #70

- A. 1. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed “rockwells”. New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)
Specific Plans (65454)
Development Agreements (65867.5)
Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.

71. Certified Mitigation Measure #71

- B. 1. The City should implement a comprehensive water supply management strategy for the Modesto area. Preservation of groundwater recharge areas should be considered as one factor in choosing between alternative future sewer trunk extensions.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy, this Mitigation Measure must be followed in the Capital Improvement Program.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-C of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

72. Certified Mitigation Measure #72

- C. 1. The City shall update its Drainage Master Plan to cover the entire area with the City's Sphere of Influence.

a. Method of "Project Implementation"

The Drainage Master Plan is considered the Stormwater Management Program which is presented in Section V-E.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Section V-E indicates that the Stormwater Management Program should incorporate those measures listed in Table 9-4 in the Master EIR.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

73. Certified Mitigation Measure #73

- A. 2. The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by this MEIR.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Section V-E indicates that the Stormwater Management Program should include consultation with M.I.D.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-E of the General Plan presents these Mitigation Measures as General Plan Policies.

74. Certified Mitigation Measure #74

- B. 1. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

75. Certified Mitigation Measure #75

- B. 2. The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipelines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public streets.

76. Certified Mitigation Measure #76

- B. 3. The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

77. Certified Mitigation Measure #77

- B. 4. New areas shall be designed so that runoff in excess of groundwater recharge in [Policy] 3.c. shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public streets.

78. Certified Mitigation Measure #78

b. Figure V-5 in the General Plan presents Park Planning Areas for the Baseline Developed Area. With regards to acreage, service area, location and street frontage standards, the existing park system shown on Figure V-4 in the General Plan shall be considered adequate and acceptable, as is, with the following exceptions, by Park Planning Area designation:

- Bret Harte
- Shackelford
- Tide Water Industrial
- Burbank
- Maze Wren
- Woodland
- College West
- North East McHenry
- Empire East
- Empire West
- Airport

Within these Park Planning Areas, the open space and parks system is NOT considered adequate and acceptable as is and the City will endeavor to develop facilities in accordance with all of the Open Space and Parks policies and Community and Neighborhood Park standards that apply to the Baseline Developed Area. However, the City recognizes and accepts that 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.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

As a General Plan policy statement, this Mitigation Measure must be followed in the Capital Improvement Program.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-G of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

79. Certified Mitigation Measure #79

- B. 1. Each community or neighborhood should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

80. Certified Mitigation Measure #80

- B. 2. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed

development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

81. Certified Mitigation Measure #81

- B. 3. Prior to Comprehensive Plan approval in the Planned Urbanizing Area, the Comprehensive Plan shall provide open space and parkland acreage in the following amounts: neighborhood parks at 1 acre of parkland and open space per 1,000 population; and community parks at 2 acres of parkland and open space per 1,000 population. The minimum park size requirements listed in the General Plan shall be applied.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan Policy, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

82. Certified Mitigation Measure #82

- B. 4. The Regional Park system consisting of Dry Creek, Stanislaus River, and Tuolumne River shall be developed through the "Comprehensive Planning District" process outlined in Chapter III [of the General Plan]. The River Greenway Program policies [Section VII-B(6) in the General Plan] shall be incorporated into each of these three Comprehensive Planning Districts by including the [design elements listed in the General Plan].

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan Policy, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

83. Certified Mitigation Measure #83

- A. 1. Changes in land use or intensity of development within the Baseline Developed Area may have an impact on school services which necessitate close communication between the City and the school district.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Section II-C(4) describes the required process for reviewing General Plan Amendments.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

84. Certified Mitigation Measure #84

- A. 2. Land for new school facilities should generally meet the following minimum space requirements:

- a. Elementary schools - 10 acres (net)
- b. Middle schools or junior high schools - 20 acres (net)
- c. High schools - 50 acres (net)

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The acreage standards have been reviewed and approved by the affected school districts, although some flexibility is desired.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

85. Certified Mitigation Measure #85

- A. 3. Neighborhoods should contain sufficient elementary schools necessary to serve the residential development within the neighborhood. Schools should be located on Collector streets within the neighborhood, preferably at or near the intersection of two Collector streets.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

These locational criteria have been reviewed by the affected school districts.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

86. Certified Mitigation Measure #86

- A. 4. The City shall continue to require that the developer pay, prior to issuance of any building permits, the maximum residential, commercial and industrial development school fees in effect at the time building takes place. This requirement is in accordance with the provisions of Assembly Bill 2926.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Collection of school fees by the City on behalf of the school districts has been practiced for many years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

87. Certified Mitigation Measure #87

- B. 1. Developers of residential projects that are subject to these procedures should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc. will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:**

Consultation with the affected school district has been practiced for many years.

- c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:**

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

88. Certified Mitigation Measure #88

- B. 2. Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the preparation of the required Environmental Impact Report (Focused or otherwise).

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:**

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

- c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:**

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

89. Certified Mitigation Measure #89

- B. 3. Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

90. Certified Mitigation Measure #90

- B. 4. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the EIR (Focused or otherwise) shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

91. Certified Mitigation Measure #91

- B. 5. The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

If the City does not receive said written notification prior to a deadline set by the City, the City Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City’s school mitigation efforts for several years.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

92. Certified Mitigation Measure #92

- B. 6. The above procedures shall apply when:
- a. A residential project seeks the approval of a General Plan Amendment, rezoning, pre-zoning, annexation, Comprehensive Plan, or other legislative act;
 - b. The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram;

- c. A school district has imposed school mitigation fees pursuant to Government Code Section 53080; and
- d. A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

93. Certified Mitigation Measure #93

- B. 7. The above procedures shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, pre-zoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

This measure is a minor adaptation of a policy within Resolution 92-556, which has guided the City's school mitigation efforts for several years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

94. Certified Mitigation Measure #94

- C. 1. School districts are encouraged to involve the city in deliberations regarding school closure, early in the process. Consistent with state statutes, school districts are encouraged to include extensive community participation in the process to close any existing schools.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Consultation with the affected school district has been practiced for many years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

95. Certified Mitigation Measure #95

- C. 2. There are specific state law prohibitions against certain uses within close proximity to schools, such as hazardous materials uses and alcohol sales. Developers should contact the appropriate school district to determine if there are any known constraints to future development.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

Consultation with the affected school district has been practiced for many years.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-H of the General Plan presents these Mitigation Measures as General Plan Policies.

96. Certified Mitigation Measure #96

- B. 1. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including

schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

Redevelopment Plan (33330, et seq, Health & Safety Code)

Comprehensive Plans (Section III-D, General Plan)

These are the primary means of reviewing development plans and installing public facilities.

97. Certified Mitigation Measure #97

- C. 1. The City of Modesto should maintain an adequate personnel level, to organize patrol areas and provide investigative responses to achieve a comfortable and safe community climate conducive to a high quality of life and to maintain an active and growing commercial and business environment. To the maximum economic extent feasible, police operations should include protective law enforcement and administrative efforts, all to be expanded as the City's population grows.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate police protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-J of the General Plan presents these Mitigation Measures as General Plan Policies.

98. Certified Mitigation Measure #98

- C. 2. The City of Modesto Police Department should strive to reduce the level of crime below levels of other progressive departments with comparable populations and demographics.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategy described in this Mitigation Measure are commonly-used techniques to provide adequate police protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-J of the General Plan presents these Mitigation Measures as General Plan Policies.

99. Certified Mitigation Measure #99

- C. 3. The City of Modesto should strive to provide sworn officers in sufficient numbers to support basic police services consistent with other progressive departments with comparable populations and demographic statistics.

The City of Modesto should strive to provide civilian staff in sufficient numbers to support sworn staff and to support continuing civilianization of services such as Crime Prevention, Investigative Support, Crime Scene Investigation, Accident Reports, and other documentation of incidents.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate police protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-J of the General Plan presents these Mitigation Measures as General Plan Policies.

100. Certified Mitigation Measure #100

- A. 1. The City of Modesto should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate fire protection.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies.

101. Certified Mitigation Measure #101

- A. 2. The City of Modesto should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

102. Certified Mitigation Measure #102

- A. 3. The City of Modesto should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

103. Certified Mitigation Measure #103

- A. 4. The City shall ensure that adequate water fire-flows are maintained throughout the City and shall regularly monitor fire-flows to ensure adequacy. New development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

104. Certified Mitigation Measure #104

- A. 5. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

105. Certified Mitigation Measure #105

- B. 1. The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Review of development plans will ensure compliance with this requirement.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public facilities.

106. Certified Mitigation Measure #106

- B. 2. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

As a General Plan policy statement, this Mitigation Measure must be followed prior to adoption of a Comprehensive Plan.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

General Plan conformance review, which assures that this Mitigation Measure is “fully enforceable,” is required for:

- Subdivision Maps (66473.5, Government Code)*
- Public Works Projects/Capital Improvement Program (65401)*
- Specific Plans (65454)*
- Development Agreements (65867.5)*
- Redevelopment Plan (33330, et seq, Health & Safety Code)*
- Comprehensive Plans (Section III-D, General Plan)*

These are the primary means of reviewing development plans and installing public streets.

107. Certified Mitigation Measure #107

- C. 1. The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of facilities and service standards. The City shall consult Table 14-1 in the MEIR for the appropriate standards.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:**

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate fire protection.

- c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:**

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies.

108. Certified Mitigation Measure #108

- C. 2. The City of Modesto should practice timely adoption of the Uniform Fire Code, National fire code, and State Codes. These codes and ordinances may be amended to suit local conditions.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:**

The strategies described in this Mitigation Measure are commonly-used techniques to provide adequate fire protection.

- c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:**

Section V-K of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

109. Certified Mitigation Measure #109

- B. 1. The City should consider implementing local land use incentives and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate space for containers.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

110. Certified Mitigation Measure #110

- B. 2. Prior to approval of a project within the Planned Urbanizing Area, the City shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

General Plan conformance review, which assures that this Mitigation Measure is "fully enforceable," is required for:

Subdivision Maps (66473.5, Government Code)

Public Works Projects/Capital Improvement Program (65401)

Specific Plans (65454)

Development Agreements (65867.5)

*Redevelopment Plan (33330, et seq, Health & Safety Code)
Comprehensive Plans (Section III-D, General Plan)
These are the primary means of reviewing development plans and installing public facilities.*

111. Certified Mitigation Measure #111

- C. 1. The City of Modesto will comply with all the requirements of Assembly Bill 939 which mandates the diversion of solid waste of 25% by 1995 and 50% by 2000, by way of source reduction, recycling, composting, and transformation.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

112. Certified Mitigation Measure #112

- C. 2. The state's placement of source reduction at the top of the integrated waste management hierarchy requires that the City implement source reduction programs. Some of the more critical program alternatives which may need to be implemented include variable can rates, composting at the site of generation, waste efficient yard care, and source reduction education.

New recycling programs may also need to be implemented; these programs include initiating multi-family and commercial/industrial recycling programs; evaluating the current curbside collection method and making recommendations for modifications as necessary; initiating a comprehensive public education and information program; and applying for grant funding for program implementation.

A significant amount of the waste currently being disposed of by the City is potentially compostable. Because of this significant diversion potential, it is essential that yard waste composting (including co-composting yard waste with biosolids) and compost market development be initiated.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies.

113. Certified Mitigation Measure #113

- C. 3. The City shall provide for the safe collection and disposal of all solid waste generated in the City of Modesto and to provide for the appropriate disposal facilities for the City's long-term needs. Garbage service shall be provided to all residences and businesses within the City of Modesto.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section V-L of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

114. Certified Mitigation Measure #114

- C. 4. To meet the waste disposal demands of the growing population, the City shall support Stanislaus County's efforts to find an additional landfill site, expand capacity of the Fink Road Landfill, or find an alternative waste disposal method for solid waste.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

Landfill expansion shall be achieved in accordance with Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-L of the General Plan presents this Mitigation Measure as a General Plan Policy.

115. Certified Mitigation Measure #115

- A. 1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

116. Certified Mitigation Measure #116

- A. 2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

117. Certified Mitigation Measure #117

- A. 3. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall

identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

118. Certified Mitigation Measure #118

- C. 1. The City shall comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

These are commonly-accepted techniques of the Federal Comprehensive Environmental Response and Liability Information Systems, California Department of Toxic Substance Control, and the Central Valley Regional Water Quality Control Board.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

119. Certified Mitigation Measure #119

- C. 2. The City shall continue to participate in the existing Household Hazardous Waste Programs, including support of the drop-off facility, continued public information, and participation in the oil and battery collection programs.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

These techniques are encouraged by Section 41000 et. seq. of the Public Resources Code.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

120. Certified Mitigation Measure #120

- C. 3. The County has prepared a Hazardous Waste Management Plan which is the guideline for managing hazardous waste in Stanislaus County. The goals, objectives, conclusions, recommendations and implementation measures of that plan are hereby incorporated as a part of this document, along with any modifications which may result from state review of the Hazardous Waste Management Plan.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The Stanislaus County Chief Executive Officer has provided this language coordinating the County's HWMP with the City's efforts.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section V-M of the General Plan presents these Mitigation Measures as General Plan Policies.

121. Certified Mitigation Measure #121

- A. 1. Any construction which occurs as a result of the project must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:

The City’s building regulations are consistent with the Uniform Building Code (UBC) and are regularly updated when the UBC is updated.

c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:

Section VI-B of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

122. Certified Mitigation Measure #122

- A. 2. City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and emergency evacuation routes such as Route 99.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The Fire and Police Departments have responsibility for determining and maintaining evacuation routes.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VI-E of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

123. Certified Mitigation Measure #123

- A. 1. The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals. The City shall develop shade-tree specifications for different land uses (residential, commercial, parking lots, etc.) including appropriate types of trees (size, deciduous or evergreen, absence or lower branches, etc.), locations (e.g., distance from structures), density (i.e. within a subdivision or parking lot), and orientation (trees on the west side of a building generally provide the most benefit) for use in landscape plans.

a. Method of “Project Implementation”

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

- b. State Law requires the Mitigation Monitoring Program to be “designed to ensure compliance during project implementation.” This Mitigation Measure supports the State Law requirement in the following manner:**

The City Parks and Recreation Department has the responsibility of maintaining the City’s street tree program.

- c. This Measure is “fully enforceable through permit conditions, agreements, or other measures” as follows:**

Section VII-I of the General Plan presents these Mitigation Measures as General Plan Policies. Subsequent implementation actions, such as amendments to the Municipal Code, may provide further enforcement opportunities.

124. Certified Mitigation Measure #124

- C. 1. The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts to establish and promote a program whereby existing residential and commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City. The City shall also provide information on appropriate types of trees and their locations to maximize the energy savings from this program.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The City maintains on-going relationships with Modesto Irrigation District and Turlock Irrigation District.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-I of the General Plan presents these Mitigation Measures as General Plan Policies.

125. Certified Mitigation Measure #125

- C. 2. The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts (for electricity) and Pacific Gas & Electric Company (for natural gas) on all new, large-scale, development proposals in the City.

a. Method of "Project Implementation"

This Mitigation Measure is incorporated directly into the General Plan as a Policy Statement.

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

The City maintains on-going relationships with Modesto Irrigation District and Turlock Irrigation District.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures" as follows:

Section VII-I of the General Plan presents these Mitigation Measures as General Plan Policies.

Re: Res No. 95-409

Exhibit "A", consisting of the
"City of Modesto Urban Area General Plan"
and

Exhibit "B", consisting of the
General Plan Issue Papers (1-7)

Are on file in the Office of the City Clerk

Exhibit "A"
↓
Exhibit "B"
are in
General Plan
number
General Plan
Books
Res - 95-409

MODESTO CITY COUNCIL
RESOLUTION NO. 95-409.

A RESOLUTION ADOPTING THE CITY OF MODESTO
URBAN AREA GENERAL PLAN.

WHEREAS, in March 1992, the City Council directed staff to develop a general plan for the City of Modesto, and

WHEREAS, the City Council appointed a General Plan Steering Committee, comprised of 16 residents of the planning area, whose work culminated in March 1994, and created several of the initial plan alternatives and policies, and

WHEREAS, the City of Modesto prepared a proposed Modesto Urban Area General Plan to guide the growth of the City of Modesto for thirty years and beyond, and

WHEREAS, said General Plan incorporates the seven elements mandated by state law (Land Use, Circulation, Housing, Noise, Safety, Conservation and Open Space), and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, the Planning Commission held public hearings on May 15 and June 12, 1995, and considered the proposed Modesto Urban Area General Plan, and

WHEREAS, the Planning Commission, on June 12, 1995, recommended that the City Council adopt the Modesto Urban Area General Plan (titled Planning Commission Proposal, Exhibit A to Planning Commission Resolution No. 95-13), and

WHEREAS, the City Council held a public hearing on June 27, 1995 and August 15, 1995, and considered modifications to the Planning Commission Proposal, and

WHEREAS, City Council Resolution No. 95-408, adopted on August 17, 1995, certifies the Final Master Environmental Impact Report for the Modesto Urban Area General Plan, adopts Findings supporting rejection of Alternatives, adopts a Statement of Overriding Considerations, and adopts a Mitigation Monitoring Program.

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

1. The foregoing recitals are true and correct and are incorporated herein as findings.
2. The Modesto Urban Area General Plan, consisting of Text and Diagrams as presented in Attachment A, is hereby adopted in accordance with Section 65300, et. seq. of the Government Code.
3. The City Council of the City of Modesto makes the following findings:
 - a. The Modesto Urban Area General Plan constitutes a comprehensive, long-term document capable of guiding the future development of the City of Modesto and meets all requirements of the California Planning and Zoning Law, Government Code Section 65300 et seq. and all other applicable law.
 - b. The Modesto Urban Area General Plan incorporates seven elements mandated by Government Code Section 65302, and all portions thereof, comprising an integrated, internally consistent and compatible statement of goals, policies, actions and mitigation measures.
 - c. All implementation programs contained, or adopted, in connection with the Modesto Urban Area General Plan can follow logically from its goals and policies.
 - d. The stated required elements addressed in the Modesto Urban Area General Plan, and all portions thereof, are based on the same populations, housing and employment objectives and assumptions.
 - e. The Modesto Urban Area General Plan is based on the best data available, and recognizes that actual development and conservation decisions may depend on information not currently available and that, as better, more current and more comprehensive data become available, the Modesto Urban Area General Plan will be updated and amended accordingly.

- f. As a result of the public hearing process and staff review, certain modifications were determined to be necessary, desirable and appropriate. The modifications are contained in Exhibit B to this Resolution and are hereby incorporated by this reference.
- g. The adoption of the Modesto Urban Area General Plan is in the public interest, in general, and specifically in the interests of the City, County and residents within the Modesto Planning Area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1995, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

NORRINE COYLE
CITY CLERK

Planning Commission Proposal

City of Modesto Urban Area General Plan

Exhibit A

**As adopted by Modesto City Planning Commission
Resolution No. 95-13 (June 12, 1995)**

City of Modesto Urban Area General Plan

City Council

Richard Lang, Mayor
Frank Muratore, Vice Mayor

David Cogdill
Janine McClanahan

Stan Dobbs
Richard Patterson

Kenni Friedman

Planning Commission

Jesse Alexander, Chairman
Fred Cruz, Vice Chairman

Robert Dunbar
Tim Fisher

Lynne Gonzales
Michael Serpa

Becky Ward

General Plan Steering Committee

Jesse Alexander, Co Chair
Patrick McGrath, Co Chair
Ed Boyle
Rod DeCristofaro

John Evans
John Hollis
Emerson Johnson
Lenore Maurice

Walt Murray
Preston Oliver
George Petrukakis
Alita Roberts

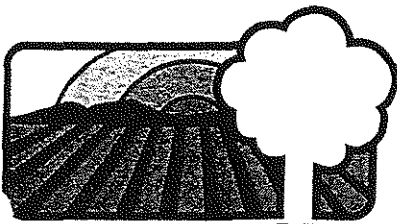
Keith Schneider
Edward Taczanowsky

City Staff

J. Edward Tewes, City Manager
Paul Baxter, Deputy City Manager
Mike Milich, City Attorney
Roland Stevens, Assistant City Attorney
Kevin Ripper, Finance Director
John Enero, Financial Officer
Paul Jefferson, Police Chief
Larry Hughes, Fire Chief
Marshall Elizer, Director P.W. & Transportation
Ed Von Borstel, Dep. Dir. P.W. & Transportation
Alice Tulloch, Dep. Dir. P.W. & Transportation
Van Switzer, Dep. Dir. P.W. & Transportation
Pat Foran, Asst. Dir. Parks & Recreation
Fred Allen, Landscape Designer

Phil Testa, Community Development Director
Mike Herrero, Business Development Manager
George Osner, Development Services Manager
Steve Young, Housing & Neighborhoods Mgr.
Bill Nichols, Strategic Planning Manager
Miguel Galvez, Assistant Planner
Steve Nish, Associate Planner
Julian Lopez, Planning Assistant
Hopkins Fitzpatrick, Planning Technician
Rita Doscher, Planning Technician
Ellen LaCoste, Secretary
Sonia Boyett, Secretary
Marilyn Romey, Secretary
Helen Wang, Transportation Planner

Brian R. Smith, General Plan Project Manager
Steve Mitchell, Assistant Project Manager



CITY of MODESTO

Community Development Department

June 15, 1995

NOTICE OF PUBLIC HEARING ON THE MODESTO URBAN AREA GENERAL PLAN AND FINAL MASTER ENVIRONMENTAL IMPACT REPORT

A Public Hearing will be held by the Modesto City Council at 7:00 p.m., on Tuesday, June 27, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California regarding a comprehensive update of the Modesto Urban Area General Plan. On June 12, 1995, the Planning Commission recommended City Council adoption of the General Plan document. This document is titled "City of Modesto Urban Area General Plan - Planning Commission Proposal."

The proposed General Plan presents a "blueprint" for future growth of the Modesto Urban Area, for the next 30 years. The purpose of this hearing is to solicit comments from any interested parties, consider adoption of the Planning Commission's recommendations, and to certify the Final Master Environmental Impact Report for the plan. The General Plan has been developed through a citizens steering committee, with community input meetings, and a series of Public Workshops and Public Hearings by the Planning Commission. (Note: The Master EIR has been available at Kinko's Copy Service since May 26, 1995.)

At the close of the Public Hearing, the City Council will consider adoption of the General Plan and certification of the Final Master EIR.

The "City of Modesto Urban Area General Plan - Planning Commission Proposal" may be picked up beginning Saturday, June 17, 1995, at a nominal (subsidized) cost of \$10.00 for the General Plan at:

Kinko's Copy Service (Open 7 days/week, 24 hours/day)
2225 Plaza Parkway
Modesto, CA 95350
(209) 577-2679

In addition, the "City of Modesto Urban Area General Plan - Planning Commission Proposal" and/or Final Master EIR may be reviewed at:

(1)
Central Modesto -
Stanislaus Library
1500 I Street
Modesto, CA 95354
(209) 558-7825

OR

(2)
City of Modesto
Community Development Department
Strategic Planning
801 11th Street, 2nd Floor
Modesto, CA 95354
(209) 577-5276

All persons are invited to attend the Public Hearing at the above time and place and will be given an opportunity to be heard. If you challenge the above-mentioned proposal, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. If there are questions regarding this proposed General Plan Update, and/or Final Master EIR, please call the Modesto Community Development Department at 577-5433 (Attention: Brian Smith) (TDD: 526-9211).

Planning Commission Proposal

City of Modesto Urban Area General Plan

Exhibit A

**As adopted by Modesto City Planning Commission
Resolution No. 95-13 (June 12, 1995)**

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CHAPTER I

**INTRODUCTION
TO THE
MODESTO URBAN AREA
GENERAL PLAN**

I. INTRODUCTION TO THE MODESTO URBAN AREA GENERAL PLAN

- A. WHAT IS THE GENERAL PLAN?
- B. WHAT IS THE VISION OF THIS COMMUNITY?
- C. WHAT ARE THE OVERALL GOALS BEHIND THIS COMMUNITY VISION?
- D. WHAT ARE THE ECONOMIC DEVELOPMENT GOALS OF THIS COMMUNITY VISION?
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- F. READER'S GUIDE TO THIS GENERAL PLAN

CHAPTER I

INTRODUCTION TO THE MODESTO URBAN AREA GENERAL PLAN

The City of Modesto, California is located in Stanislaus County, in the northern section of the San Joaquin Valley. The Central Pacific Railroad founded the original Modesto community in 1870, on a site near the Tuolumne River. Incorporated in 1884, the City of Modesto is the County seat of Stanislaus County, and has traditionally served as the regional center for Stanislaus County and the surrounding area.

A. WHAT IS THE GENERAL PLAN?

In California, the General Plan has often been described as a "blueprint for future growth" or a "constitution for future development" of a community. The General Plan for Modesto is best described as "a set of instructions on how to build a city." This concept is further underscored by our General Plan's full name, the Modesto Urban Area General Plan.

From a practical matter, the General Plan is a set of policies, charts, maps, and other graphics which collectively respond to California State Law requirements (Article 5 of the Government Code), and to meet local conditions. The Modesto Urban Area General Plan is intended to guide the physical development of the Modesto community for a 30-year period, to the year 2025.

B. WHAT IS THE VISION OF THIS COMMUNITY?

Whether the General Plan is a blueprint, a constitution, or a set of instructions, it must be focused on a community vision. Past community accomplishments are described here, as well as the future vision which guides this General Plan.

1. Past Community Accomplishments

During the 1950's, a joint effort with staff from the County and surrounding cities produced the City's first General Plan. A bold vision of open space along the two natural waterways was part of this General Plan. This vision was implemented in the 1960's and 1970's with the establishment of the Tuolumne River Regional Park through a County-Ceres-Modesto Joint Powers Agency and Dry Creek Area Park in Modesto. This vision also included a system of expressways. Briggsmore Avenue is the first expressway to be implemented.

During the 1980's, the vision was expanded to include the Modesto Centre Plaza-Red Lion project which signifies a new investment in downtown; and a new vision of a neo-traditional village plan for Village One as a prototype for the future development of our urban sphere.

Modesto adopted its first General Plan in 1959. A comprehensive update of the General Plan occurred in 1973-1974. Since then, several individual

elements of the General Plan have been updated, the most recent being the Housing Element in 1992.

2. Visions for the Future

The Modesto Urban Area General Plan provides an opportunity to address a variety of visions, as follows:

a. Overall Mission Statement

The following Mission Statement, originally developed by the General Plan Citizens' Steering Committee, remains the most appropriate statement to guide the overall future development of the Modesto community. Altered slightly to fit the context, the Mission Statement of the Modesto Urban Area General Plan reads as follows:

The Modesto Urban Area General Plan addresses the collective challenges of the future. The Urban Area General Plan presents a blueprint for the preservation of Modesto's "quality of life" while providing direction for the growth of business and industry to meet the needs of the future generations in the Modesto community.

b. Employment Opportunities

A guiding force in this General Plan is economic development to provide jobs to match population growth. This General Plan provides for a total of 3,600 acres of new Business Park and 1,300 acres of Commercial land uses. Through these new land uses, along with miscellaneous support commercial land uses in future residential areas, opportunities for land use supporting approximately 227,000 new jobs are created in this General Plan.

c. More Comprehensive Planning

As Modesto grows, there will be a need for comprehensive planning approaches to deal with increasingly complex land development and public facilities and service issues. Chapter II of this Plan presents a strategy to recognize the urbanized community as it exists in 1995. The land use pattern in this area, termed the Baseline Developed Area, is not expected to change substantially. Future growth would occur in accordance with existing City zoning designations, and with other City policies in existence as of the Base Year (1995) of this General Plan. This strategy allows the City to concentrate its future growth in the Redevelopment Area, and in the Planned Urbanizing Area, which forms the outer perimeter of the General Plan area. Future projects in the Planned Urbanizing Area are guided by focused policies in the form of Comprehensive Planning Districts.

d. Defining Modesto's Character

Modesto's urban identity will be defined by the flood plains of the Stanislaus and Tuolumne Rivers to provide two natural greenbelts. In the very long-term future, the San Joaquin River flood plain and anticipated wetlands preserves will separate urban expansions of the Freeway 99 corridor from those of the Freeway I-5 corridor.

Redirection of continued urban growth away from the Valley floor outside of Modesto's General Plan area will require regional or state-wide leadership and policy.

e. Reducing Automobile Traffic Impacts

This General Plan envisions an expanded street system, supplemented by an enhanced transit system, to reduce traffic congestion. The proposed transit system includes an expanded bus system with reduced headways, and a light rail system. An expressway system will provide a circumferential routing about the urban area to facilitate vehicular movement.

f. Maintaining Older Neighborhoods and Upgrading Unsafe Neighborhoods

Older neighborhoods will not be abandoned in Modesto. Neighborhoods will continue to have sustained public service and investment. Examples have been the investment of Modesto school's bond funding of the 1980's into a few new schools and upgrade of most; City investment of CDBG funds into target area neighborhoods for housing rehabilitation; investment of City funds in capital projects in older as well as newer neighborhoods; and community-oriented policing to identify and solve the root of problems.

g. Integrating New Neighborhoods into the Urban Pattern

"Villages" integrated into the rest of the City, with a strong pedestrian orientation, nearby shopping and employment, are a departure from past, prototypical neighborhoods and hold the promise of unique differences, one village to another. A development community of small-scale builders provides a variety of housing types in each neighborhood, making possible a diversity of residents that adds to neighborhood vitality. The moderate pace of staged growth helps out as well. Both factors help to avoid the large-scale development of uniform housing geared to one market segment.

h. Agricultural Land Preservation

Agriculture is big business in Stanislaus County. As the leading industry in the County, 1990 gross income from agriculture exceeded \$1 billion. The Agricultural Element to Stanislaus County's General Plan projects that with the multipliers of food processing, marketing and related services, agriculture contributed \$3.25 billion to the local economy. Stanislaus County ranks seventh in the nation based on the market value of agricultural products sold.

However, agricultural land values are no match for urban development land values. With the continuing population growth pressures of the State destined to be directed to the Central Valley, the past visions of distinct city service centers surrounded by an agricultural hinterland are being threatened by a vision of the San Fernando and Santa Clara Valleys, with a carpet of urbanization on the Valley floor from the west side hills to the Sierra foothills.

i. Environmental Concerns

Modesto, unlike many urban areas, is constrained neither by water supply nor sanitary sewer capacity limits, endangered species nor habitat preservation areas, since the natural waterways have already been set aside for open space.

The loss of some agricultural land is a direct consequence of any urbanization. This General Plan, like the one proceeding it, promotes residential development at higher densities to avoid low density sprawl and promotes staged urban growth so that the conversion of agricultural land to urban uses is focused to a few villages, not spread broadly around the City's urban perimeter.

Traffic congestion remains an environmental concern; especially paying for the expressway and transit systems at time of need.

Air quality is the most difficult of concerns, because of the inability of the eight-county San Joaquin Valley Unified Air Pollution Control District to attain Federal Standards for various emissions. The City and other agencies within the Air Pollution Control District face challenging targets for reduction of emissions and challenging Transportation Control Measure goals.

C. WHAT ARE THE OVERALL GOALS BEHIND THIS COMMUNITY VISION?

The following goals, phrased as Project Objectives, were instrumental in developing the policies presented in the Modesto Urban Area General Plan. These objectives were derived from concepts initially developed by the General Plan Steering Committee, a citizens group appointed by the City Council in 1992 to oversee the General Plan Rewrite effort.

1. Future urban expansion for residential uses should be designed in the form of mixed-use developments, similar to Village One. These developments should contain housing, shops, schools, parks and civic facilities essential to the daily life of the residents. This development should implement land use practices that assist in meeting State and Federal environmental regulations.
2. Transportation and Circulation systems that adequately provide for intra-city and regional transportation needs should be provided. Alternatives to the drive-alone auto mode, such as light rail, mass transit, ride sharing, bicycling, trail systems and telecommuting should be encouraged to reduce traffic congestion and enhance air quality. The City's transportation planning should be coordinated with regional transportation planning efforts, wherever possible.
3. Notwithstanding that many State and Federal agencies limit their time horizons to 20 years, this General Plan presents a vision of future development of the community for 30 years, to the year 2025. In addition, the General Plan will focus particular attention on the intermediate time horizons (e.g., approximately five-year intervals, including 2015).
4. Modesto should contain an ample supply of specialized open space strategically located and well designed, in order to promote frequent use from the community.
5. The natural river corridors in Modesto should be preserved for recreational and open space opportunities.
6. The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density. Potential conflicts between agricultural and urban uses should be resolved through appropriate land use measures.

D. WHAT ARE THE ECONOMIC DEVELOPMENT GOALS OF THIS COMMUNITY VISION?

The need for economic development opportunities greatly influenced the City Council's initiative to rewrite the General Plan in 1995. Therefore, the following Project Objectives explicitly define Modesto's economic development goals:

1. Development in Modesto should strive for a local jobs/housing balance by facilitating business growth, and encouraging the economic revitalization of the downtown. Adequate land, strategically located to facilitate the expansion of Modesto's economic base, should be provided for the employment opportunities of Modesto residents. These opportunities should be focused on the types of businesses that will thrive in the 21st Century.
2. The Modesto Redevelopment Area will be the focal point of community life and the social, cultural, business, governmental, and entertainment center of the northern San Joaquin Valley. The Modesto Urban Area should expand

towards the west to ensure that the downtown Redevelopment Area remains the "central core" of Modesto, and to provide social and economic development for the west side of Modesto.

3. The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
4. The full costs of on-site and off-site public infrastructure and public services required to support new development should be funded from revenues generated by that development. New development shall not result in any long-term reduction in the level of public services provided to existing development.
5. Utility facilities for Modesto's expansion should have financing programs based on user fees and service charges that allow for those utility services to be self-supporting.
6. The General Plan should be accompanied by a Master Environmental Impact Report (MEIR) which would address the cumulative impacts of projected development, as well as alternative development scenarios. The MEIR would be a broad document addressing community-wide environmental effects. The MEIR should also establish a foundation for subsequent tiered environmental review. In this way, project-level environmental review can be streamlined or perhaps eliminated, as allowed by State law.
7. The General Plan Master EIR shall not attempt to explore impacts projected to occur after 2025. The City will consider any such impacts, beyond the year 2025, to be "too speculative for evaluation" in the Master EIR (Section 15145, CEQA Guidelines).

E. WHAT ARE THE HOUSING GOALS OF THIS COMMUNITY VISION?

Chapter IV of this General Plan contains the Policies the City intends to implement during the years of 1992-1999. As a general housing goal, the City shall seek to provide and maintain attractive residential neighborhoods with a variety of dwelling types and prices affordable to all segments of the population. This goal is achieved through the following Housing Objectives:

1. Establish and/or support programs to supply below market housing for very-low, low, and moderate-income households, as well as market rate housing.
2. Work to supply housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families (families with five or more persons).
3. Work to supply entry level housing as well as "step-up" housing.

4. Promote the development of affordable housing on surplus, underused or vacant public lands, where appropriate and where compatible with existing uses.
5. Promote equal opportunity for all residents to reside in the housing of their choice.
6. Continue to make a strong commitment to the issue of fair housing practices, as well as ensure that fair housing opportunities prevail for all City residents regardless of age, sex, family status, income or source of income, race, creed, national origin or disabilities.
7. Work to establish programs to assist in the removal of constraints to the production of housing, where feasible.
8. Work to promote energy conservation activities in all residential neighborhoods.
9. Maintain the supply of safe, decent and sound affordable housing in the City of Modesto through the conservation and rehabilitation of the City's existing housing stock.
10. Focus the use of City resources for housing rehabilitation and assisted housing on those neighborhoods and residents having the greatest need for housing assistance.
11. Make a maximum effort to preserve, for its lower-income households, the units in assisted housing developments that are eligible to change to non-lower-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

F. READER'S GUIDE TO THIS GENERAL PLAN

Since the Modesto Urban Area Plan is "a set of instructions on how to build the City," the format of this document is very important. Briefly stated, the "instructions" are presented as Chapters, as follows:

Chapter I, Introduction, provides the introduction to these instructions.

Chapter II, Community Growth Strategy, contains Policies and a Diagram to help define the quality, quantity, and direction of future urban growth.

Chapter III, Community Development Policies, contains the "instructions" for building the actual physical components of the City in a manner consistent with Chapter II.

Chapter IV, Housing, adds "affordable housing" policy requirements to the physical community developed through Chapter III.

Chapter V, Community Services and Facilities, describes the community services and infrastructure needed to support the physical community developed through Chapter III.

Chapter VI, Public Safety Issues, presents policies required by State law to consider certain safety issues such as landslides, flooding, and emergency evacuation rates.

Chapter VII, Environmental Resources and Open Space, presents the local open space plan and physical and environmental resources in the community.

Chapter VIII, General Plan Implementation, presents a variety of tools available to the City to help build the physical City envisioned in Chapter III.

CHAPTER II
COMMUNITY GROWTH STRATEGY

II. COMMUNITY GROWTH STRATEGY

- A. COMMUNITY GROWTH STRATEGY DIAGRAM AND DESIGNATIONS
- B. COMMUNITY GROWTH POLICIES
- C. GENERAL PLAN MAINTENANCE

CHAPTER II

COMMUNITY GROWTH STRATEGY

Chapter II, Community Growth Strategy, contains policies and a diagram to help define the quality, quantity, and direction of future urban growth.

Since 1974, the City of Modesto has maintained policies regulating the quality, quantity, and direction of urban growth in the Urban Area General Plan. The methods and details of these policies have evolved over time, but in the Baseline Year of 1995, the legacy of these policies has resulted in a compact urban form, with few infill parcels remaining, neighborhoods offering a diversity of housing types and higher than average densities, and a geographic balance with new growth occurring on all sides of the community. While there may be significant public facility deficiencies in the short term, their resolution is still deemed manageable over the long term. Given the continued growth of the Modesto Urban Area as well as the surrounding area, this Section of the General Plan presents an Urban Growth Strategy to manage that anticipated growth.

A. COMMUNITY GROWTH STRATEGY DIAGRAM AND DESIGNATIONS

A key concept in this General Plan is the Growth Strategy Diagram, as presented in Figure II-1. The Growth Strategy Diagram divides the General Plan into three geographic areas: the Redevelopment Area, the Baseline Developed Area, and the Planned Urbanizing Area. Each of these areas is treated differently, with Policies throughout this General Plan that are unique to each area.

1. Adoption of Growth Strategy Diagram

Figure II-1 is the "Growth Strategy Diagram" which is hereby adopted and incorporated into the Modesto Urban Area General Plan as follows: Redevelopment Area; Baseline Developed Area; and Planned Urbanizing Area.

2. Adoption of Growth Strategy Designations

This Section describes the general character and geographic location of the three Growth Strategy Designations depicted on the Growth Strategy Diagram. These Designations are hereby adopted into the General Plan.

a. Redevelopment Area

The 2,000-acre Redevelopment Area covers the land within the boundaries of the Redevelopment Plan Area (the "Project Area") as adopted by the Modesto Redevelopment Agency in 1991.

b. Baseline Developed Area

The 23,100-acre Baseline Developed Area is generally defined as the lands served by the current sanitary sewer system, as of January 1,

1995, plus areas that can be served by sanitary sewer from the City's current trunk sewer system. The Baseline Developed Area contains lands which are mostly developed with urban uses which are not expected to change substantially within the next 30 years. Also included within the Baseline Developed Area are vacant lands which have a clearly defined future, such as the Beard Tract industrial area.

c. Planned Urbanizing Area

Future development within the 21,600-acre Planned Urbanizing Area will occur on land which is, in the 1995 Baseline Year, predominantly flat, vacant and/or developed with agricultural uses, and minimally if at all served with urban services and infrastructure, including roads. The Planned Urbanizing Area is expected to absorb substantial urban development in a comprehensively planned manner. For this reason, the land uses projected by the Land Use Diagram in Chapter III will be implemented through "Comprehensive Planning Districts," as defined and explained in Chapter III.

As the major growth area, the Planned Urbanizing Area is the geographic area where most of the Project Objectives will be achieved.

B. COMMUNITY GROWTH POLICIES

The future development of the Modesto community is guided by two fundamental and mutually supportive needs: economic development and maintaining the fiscal base of the City. These needs are addressed in the Policies presented in this Section.

1. Economic Development Policies

The policies described below implement Modesto's Economic Development Project Objectives, as presented in Chapter I. These policies are categorized further as: increasing the supply of land for economic development opportunities; providing infrastructure in a timely manner to support economic development opportunities; and expediting the development process for economic development proposals.

a. Provide Sufficient Land Supply

- (1) Economic development should be a key consideration of future expansion, irrespective of population projections. Expansion for business park areas, particularly between now and 2015, should be given top priority. Regional commercial uses should be allowed, where appropriate, within Business Park areas.
- (2) The Land Use Diagram presented in Chapter III provides adequate land and opportunities to expand and diversify Modesto's economic base to provide for future employment

needs through establishment of business park areas. These opportunities should be focused on the types of businesses that will thrive in the 21st century. Simultaneous with this diversification of the economic base, Modesto's current agricultural and industrial bases shall be preserved for as long as possible.

- (3) The Land Use Diagram should locate business parks and other industrial land near existing and proposed transportation corridors such as State Highways 99 and 132, and proposed expressways. These business park locations should foster efficient use of land and resources, as well as reduce aggravation of existing circulation problems.
- (4) The Land Use Diagram promotes the expansion of the Modesto Urban Area towards the west to ensure that the downtown redevelopment area remains the "central core" of Modesto, and to provide social and economic development for the west side of Modesto.

b. Provide Timely Infrastructure

As the City expands and vacant land becomes developed, infrastructure such as roads, sewer, water and drainage is necessary to support that development. As the City directs the extension of this infrastructure, economic development opportunities should receive the highest priority for receiving such infrastructure.

c. Expedite the Development Process

In order to accommodate the magnitude of job opportunities projected in the future, simply designating business park land is not sufficient. The City will proactively assist the private sector to establish viable business parks by expediting the processing of such development requests. The comprehensive planning policies presented in Chapter III, as well as the full utilization of the Master Environmental Impact Report process provided by the State Law, will serve to expedite those future development proposals which stimulate economic growth in accordance with the City's economic development goals.

2. Maintain and Enhance the City's Fiscal Base

New growth and development should pay its own way; that is, the costs of roads, schools, and other infrastructure to serve new development should be included in the costs of that development, and not paid for by the remainder of the community.

- a. Inadequacies in present public services and infrastructure (roads, schools, parks, etc.) need to be corrected, and a long-term financing

strategy developed. Long-range financial planning efforts will include strategies for broad-based funding such as a sales tax increase or a general obligation bond.

- b. Typically, there is a long lead time to plan for and implement infrastructure in new areas. Implementation is dependent upon financing which may add even more time. Long-range infrastructure planning is needed to develop cost estimates, staging, and coordination among infrastructure service providers. Financial needs can be identified for inclusion in the long-range financial plan.
- c. Because the costs of providing infrastructure to development in the Baseline Developed Area are lower, due to its close proximity to existing infrastructure, and because development in the Baseline Developed Area is expected to be small in scale and in-fill in nature, development is not necessarily required to pay the full costs of maintenance and operation for public facilities required to serve the small scale, infill development projects. Nevertheless, new development in the Baseline Developed Area should be required to construct on-site improvements, as required by the City's subdivision and engineering regulations. In addition, new development should pay fees to offset the cost of off-site improvements, as required by the City's Capital Facilities Fees Program.
- d. Within the Planned Urbanizing Area the full costs of on-site and off-site public infrastructure and public services required to support new development should be identified at the time that a Comprehensive Plan is prepared (see Chapter III). Where new public facilities are required which will serve the broader community outside a Comprehensive Planning District, broad-based funding mechanisms should be identified within the Comprehensive Plan, along with a funding strategy.

C. GENERAL PLAN MAINTENANCE

1. Urban Area Growth Policy Review

A review of the growth trends in the Modesto Urban Area should be held on a periodic basis, perhaps annually. This periodic review should provide for the selection of potential urban areas to be served with urban infrastructure during the ensuing five years. This review should be focused on the information presented in Sections 2, 3, and 4, below, and on the following policies:

- a. In general, maintenance of a five-year supply of available vacant and agricultural land served with urban infrastructure will be desirable.

- b. Urban development should be kept as contiguous as possible in order to avoid premature urbanization of valuable farm land, foster resident convenience, and provide for economy in City services.
- c. Residential growth and development within the Modesto Urban Area General Plan shall take place only following annexation to the City.
- d. Urban growth should be directed, as long as economically feasible, to areas currently served with City services.
- e. The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for development within any Comprehensive Plan District within the Planned Urbanizing Area, as defined in Chapter III, without first holding an advisory election as provided by Section 5353 of the California Elections Code. The only exceptions to this Policy are the following Comprehensive Planning Districts: Pelandale/Snyder; Pelandale/McHenry; Coffee/Claratina; North Beyer; and Fairview. Furthermore, this policy is only intended to apply to development; the policy does not restrict in any way the ability of the City to annex unincorporated territory in accordance with Section 56000 et. seq. of the Government Code (Cortese-Knox Local Government Reorganization Act) or its successors.
- f. The Master EIR data base should be updated when necessary (see Section 3, below).

2. Annual Report to the State

Each year, the Governor's Office of Planning and Research (OPR) conducts the Local Government Planning Survey to simplify and standardize local governments' compliance with Sections 65040.5 and 65400 of the Government Code. These sections require California cities and counties to report annually to OPR and the State Department of Housing and Community Development on their planning activities. The survey also identifies local issues and problems which OPR may be able to help remedy by providing technical assistance.

3. Maintenance of the Master EIR

The Master Environmental Impact Report (MEIR) promotes significant streamlining of subsequent projects if they are consistent with the General Plan, as well as the assumptions, conclusions, and mitigation measures presented in the MEIR document itself. Therefore, it is important that the MEIR be periodically re-evaluated and updated as necessary, so that it can continue to serve as a streamlining document.

The following Policies govern the process to maintain the currency of the Master EIR.

- a. Upon the review of each "anticipated subsequent project," as defined in Section 21157.1 of the Public Resources Code, the Master EIR may streamline further CEQA review of that project, if the City as Lead Agency can make the following finding:

"No substantial changes have occurred with respect to the circumstances under which the master environment impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available." (Section 21157.6(a) of Public Resources Code.)

- b. As Lead Agency, the City may maintain the currency of the Master EIR by certifying a "subsequent or supplemental environmental impact report which has been either incorporated into the previously certified master environmental impact or references any deletions, additions, or any other modifications to the previously certified environmental impact report." (Section 21157(b), Public Resources Code.)
- c. The General Plan Traffic Analysis and Model (Appendix II-A of Master Environmental Impact Report) shall be kept current through periodic updates, performed either unilaterally by the City or in conjunction with a Focused Environmental Impact Report, which includes a Comprehensive Traffic Study.

4. General Plan Amendment Process

Over time, various sections of the Modesto Urban Area General Plan may need to be revised. The policies presented in this General Plan contain some degree of flexibility, but any General Plan Amendments must be judged by relatively fixed criteria. The following process must be followed in reviewing proposed General Plan Amendments:

- a. Description of Amendment

Proposals to amend the General Plan must be accompanied by detailed information to document the change requested. This information should include a revised General Plan text (or excerpt thereof) and revised Land Use Diagram, where relevant, depicting the amendment requested.

- b. Presentation of Need for Amendment

Any proposals to amend the General Plan must document the need for such changes. The applicant should indicate the economic, social, or technical issues which generate the need to amend the General Plan.

c. Criteria for Analysis of General Plan Amendment

Any proposal to amend the Modesto Urban Area General Plan must be accompanied by studies which provide an analysis of the amendment's effects, compared to the adopted General Plan, on the following issues:

- (1) Compatibility with surrounding, existing, and planned land uses.
- (2) Traffic impacts, both existing and planned.
- (3) Air quality impacts, as addressed in the Master EIR.
- (4) Preservation of open space, both existing and planned.
- (5) Public Facilities and Public Services, both existing and planned.

d. Environmental Review

The proposed amendment must receive environmental review to determine if it is within the scope of the Master EIR or if further environmental analysis is required. Depending on the nature of the amendment, supplemental environmental analysis may be necessary, according to the California Environmental Quality Act (Section 15162).

- (1) With regard to noise, the following criteria shall be used to determine the significance of impacts that would be expected to occur due to proposed development projects taking into account all associated noise sources including, for example, autos, trucks, stationary noise sources, and loading/unloading areas. A project requiring a General Plan Amendment would have a significant noise effect if it would:
 - (a) cause a five Ldn increase in noise where the resulting noise environment is in the "conditionally acceptable" range (as defined in Figure VII-2 for the affected use; or
 - (b) cause a three Ldn increase in noise where the resulting noise environment is characterized as "normally unacceptable" (as defined in Figure VII-2) for the affected use: or
 - (c) exceed a property-line noise standard of 75 dBA, L_{max} from 7:00 a.m. to 10:00 p.m. and 70 dBA, L_{max} from 10:00 p.m. to 7:00 a.m. These L_{max} standards are intended to apply to all of the stationary noise sources and activities from proposed industrial, business park or commercial sites, and are intended to apply to the nearest residential property line.

The City of Modesto shall require, where feasible and cost-effective, that noise impacts from future development be mitigated to "less-than-significant" consistent with the CEQA significance criteria identified above and the noise/land use compatibility guidelines (see Figure VII-2).




CITY OF MODESTO
GENERAL PLAN PROGRAM



Figure II-1
GROWTH STRATEGY
DIAGRAM

LEGEND






DESIGNATIONS

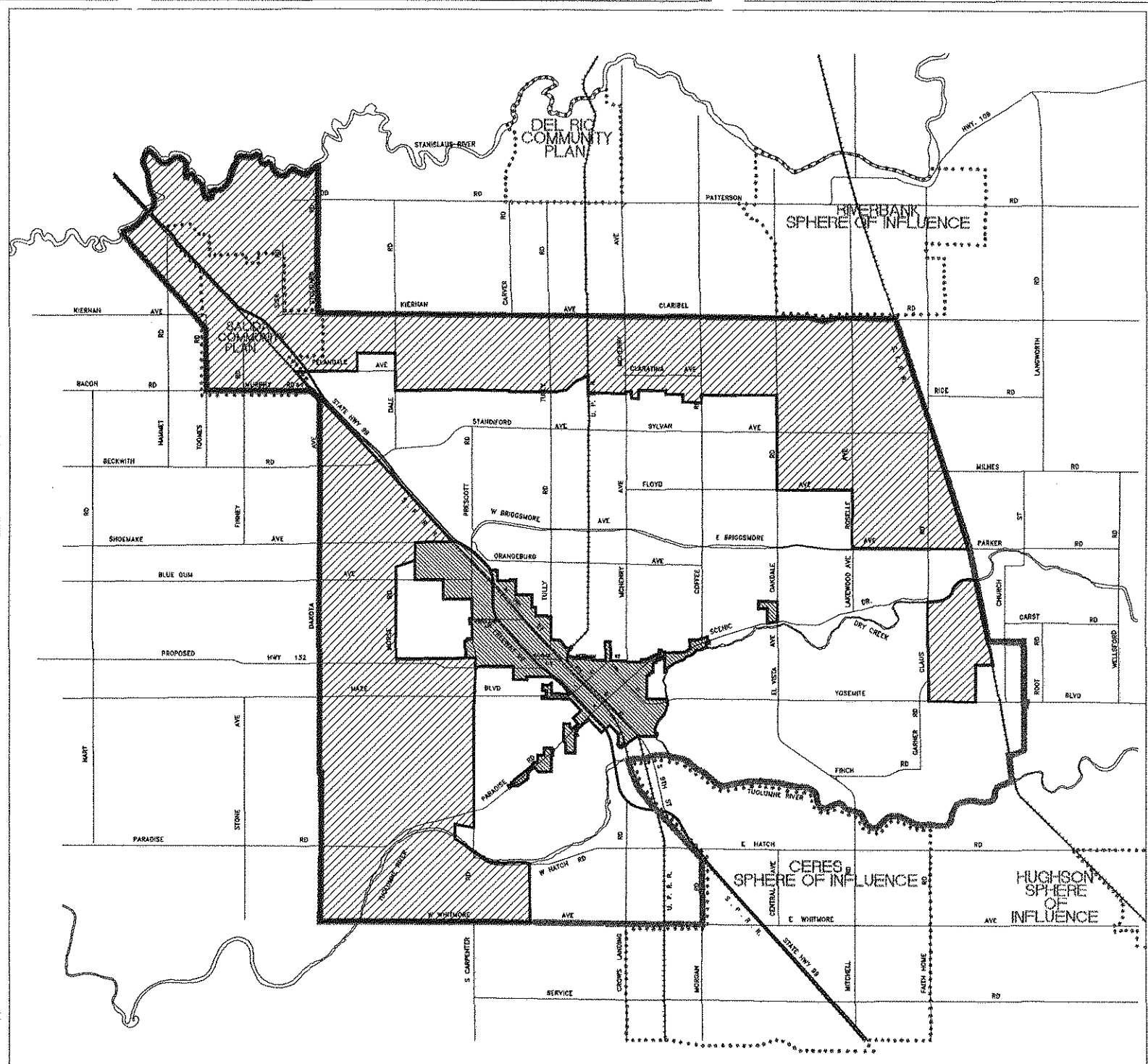
-  REDEVELOPMENT AREA
-  BASELINE DEVELOPED AREA
-  PLANNED URBANIZING AREA

BOUNDARY LINES

-  GENERAL PLAN BOUNDARY
-  BOUNDARY BETWEEN DESIGNATIONS

REFERENCE POINTS

-  STREETS
-  FREEWAYS
-  RAILROADS
-  RIVERS
-  ADJACENT COMMUNITY BOUNDARY



CHAPTER III
COMMUNITY DEVELOPMENT
POLICIES

III. COMMUNITY DEVELOPMENT POLICIES

- A. LAND USE DIAGRAM
- B. ADOPTED GENERAL PLAN LAND USE DESIGNATIONS
- C. LAND USE POLICIES
- D. COMPREHENSIVES PLANNING DISTRICTS

FIGURES:

- III-1 Land Use Diagram
- III-2 Land Use Designations In The Redevelopment Area
- III-3 Neighborhood Plan Prototype

EXHIBITS:

- III-1 Comprehensive Planning District Summary
- III-2 - III-27 Comprehensive Planning Districts

CHAPTER III

COMMUNITY DEVELOPMENT POLICIES

Chapter III, Community Development Policies, contains the "instructions" for building the actual physical components of the City in a manner consistent with Chapter II.

This Chapter establishes the proposed general distribution and extent of land uses within the Modesto Urban Area General Plan. It contains land use policies to guide the physical development of Modesto, within three areas defined in Section II-A: Redevelopment Area, Baseline Developed Area, and Planned Urbanizing Area. This Chapter also contains the Land Use Diagram and Land Use Designations for the Modesto Urban Area General Plan. This Chapter complies with Section 65302(a) of the California Government Code.

A. LAND USE DIAGRAM

Figure III-1 is the Land Use Diagram which presents the proposed general distribution of the uses of land within the Modesto Urban Area. The Land Use Diagram conforms to Section 65302(a) of the Government Code, and is hereby adopted and incorporated into the Modesto Urban Area General Plan.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY.GEN.75 (3/7/84)), to provide a certain limited degree of flexibility in applying the Land Use Designations to specific parcels.

B. ADOPTED GENERAL PLAN LAND USE DESIGNATIONS

The following Land Use Designations are presented on the Land Use Diagram (Figure III-1). These General Plan Land Use Designations describe the extent of the uses of land within the Modesto Urban Area. They include standards of population density and building intensity, in conformance with Section 65302(a) of the Government Code. These Land Use Designations are hereby adopted and incorporated into the Modesto Urban Area General Plan.

1. Residential (R)
 - a. Purpose and Intent: To provide for residential uses throughout the Modesto Urban Area. This consists of primarily single-family detached housing, but also includes mobile homes, schools, parks, churches, and some multi-family housing.
 - b. Locational Criteria: This designation may be applied anywhere within the Modesto urban Area General Plan.

- c. Land Use Intensity: The recommended land use intensity is 7.5 dwelling units per gross acre, which at 3.0 persons per household translates to 23 persons per gross acre.

2. Mixed Use (MU)

- a. Purpose and Intent: To characterize those areas of the Modesto Urban Area that are already developed (as of January 1, 1995) and contain a mixture of all or some of the following uses in close proximity to each other: multi-family residential, commercial, office, and institutional. This designation is also used to characterize large areas of multi-family housing.
- b. Locational Criteria: This designation may be applied to those areas of the Modesto Urban Area that are already developed and contain a mixture of uses as described above.
- c. Land Use Intensity: The recommended land use intensity is for 60% of the land in this designation to be devoted to residential uses, and 40% to be devoted to non-residential uses, including institutional, office, and commercial uses.

For the residential uses, the recommended intensity is 14 dwelling units per acre. Using a household size of 3.0 persons per household, this translates to 42 persons per gross acre for the residential portion of this designation.

For the non-residential uses, the recommended intensity is a maximum Floor Area Ratio of 0.35 square feet of building area per square foot of gross acreage of the site.

3. Commercial (C)

- a. Purpose and Intent: To provide for the full range of commercial uses to serve the current and projected needs of Modesto's population. This designation encompasses the entire range of service and retail uses, including but not limited to offices, neighborhood retail centers, downtown commercial districts, and regional retail centers serving the needs of the entire region.
- b. Locational Criteria: Commercial land uses in Modesto are generally located at intersections along major arterial streets and expressways. The Modesto Zoning Code presents additional criteria for the location and type of commercial uses.
- c. Land Use Intensity: The recommended land use intensity is a maximum Floor Area Ratio of 0.35 square feet of building area per square foot of gross acreage of the site.

4. Industrial

- a. Purpose and Intent: To provide for industrial uses in the Modesto Urban Area. This designation provides for the full range of industrial uses, including but not limited to manufacturing, food processing, trucking, packing, and recycling, as well as those enterprises which may want to combine office and production aspects of their business in the same complex.
- b. Locational Criteria: Industrial land uses in Modesto are generally located within major tracts oriented to Freeway 99 and to the four railroads serving the Urban Area.
- c. Land Use Intensity: The recommended land use intensity is a maximum Floor Area Ratio of approximately 0.30 to 0.50 square feet of building per square foot of gross area of the site.

5. Redevelopment Planning District (RPD)

- a. Purpose and Intent: The Redevelopment Planning District is intended to implement the Mission Statement of the Redevelopment Commission, which is as follows:

"Redevelopment is an economic development and community development program of prime importance to the Modesto community, one that capitalizes upon all of the area's assets and natural resources.

The Modesto Redevelopment Area will be the focal point of community life and the social, cultural, business, governmental and entertainment center of the northern San Joaquin Valley.

Housing will be an integral part of the Project Area, complemented by and stimulated by creation of a safe and attractive, tree-lined environment. Modern transportation systems shall provide convenient transportation to and within the Project Area.

This vision will be achieved through partnerships between private enterprise and government agencies. The Redevelopment Agency shall take the lead through strategic investments in public infrastructure and by recruiting and assisting with new private investment."

- b. Locational Criteria: The Redevelopment Planning District shall only be applied in the area designated "RDA" on the Growth Strategy Diagram (Figure II-1). These are the same boundaries as the Project Area for the Redevelopment Plan adopted in November 1991.

- c. Land Use Intensity: A total of 2,300 residents and 53,700 job opportunities are projected in the Redevelopment Planning District. These shall be distributed throughout the Planning District, in accordance with Section IV A and IV B of the "Amended Redevelopment Plan for the Modesto Redevelopment Project," dated November 1991. Figure III-2 presents the distribution of illustrative Land Use Designations which guide the preparation of the Redevelopment Plan.

6. Village Residential (VR)

- a. Purpose and Intent: To provide for the development of urban "villages." Villages are mixed-use, compact, pedestrian- and transit-oriented development. Villages should be comprehensively planned using the Comprehensive Plan process presented in Section III-D.
- b. Locational Criteria: This designation may be applied to areas throughout the Planned Urbanizing Area, as shown in Figure II-1.
- c. Land Use Intensity: Villages are mixed-use areas that are predominantly single-family residential, but with multi-family and senior housing, commercial uses, schools, and parks. Section III-C(3) provides the overall guidance for policy implementation of the Village Residential Designation. The Comprehensive Planning Districts presented in Section III-D contain the actual land use mix and intensities for each Village.

Residential: The recommended overall residential density is 5.1 dwelling units per gross acre. Note: This density is lower than the density prescribed for the "Residential" Land Use Designation because it includes support commercial uses as described below in a mixed use fashion. At 3.0 persons per household this translates to 15.3 persons per gross acre.

Commercial: The recommended intensity for commercial uses is for 4% of land designated Village Residential to be devoted to commercial uses, with a maximum allowable Floor Area Ratio of 0.35 square feet of building per square foot of gross area of the site.

7. Regional Commercial (RC)

- a. Purpose and Intent: To provide for large-scale commercial areas for the sale of goods and services which meet the needs of the region as well as the community.
- b. Locational Criteria: This designation is applied in areas of the Planned Urbanizing Area that are adjacent to and have access to regional traffic routes and transit corridors.

- c. Land Use Intensity: The recommended land use intensity is a maximum Floor Area Ratio of 0.35 square feet of building area per square foot of gross area of the site.
8. Business Park (BP)
 - a. Purpose and Intent: To provide for areas of light industrial and employment-intensive uses, and to produce an environment conducive to industries and employers seeking an aesthetically attractive "campus-like" setting. Regional Commercial uses are also permitted in Business Parks.
 - b. Locational Criteria: This designation may be applied throughout the Planned Urbanizing Area, but should be adjacent to and have access to major transportation corridors.
 - c. Land Use Intensity: Business Parks should have a campus-like setting, with a recommended Floor Area Ratio no greater than 0.40 square feet of building area per square foot of gross area of the site.
 9. Open Space (OS)
 - a. Purpose and Intent: To provide for regional recreational open space (active and passive) along the Tuolumne River, Stanislaus River, and Dry Creek. Community and neighborhood parks and other smaller open space areas can be accommodated within any Land Use Designation.
 - b. Locational Criteria: This designation is applied along Tuolumne River, Stanislaus River, and Dry Creek.
 - c. Land Use Intensity: The recommended land use intensity is low-impact recreational facilities, public ownership, and agriculture. In addition, low-density residential uses not exceeding one dwelling unit per 10 acres is a recommended residential density.
 10. Salida Community Plan (SCP)
 - a. Purpose and Intent: If the "Salida Comprehensive Planning District" is annexed to the City of Modesto, the City does not propose to change any land use directions from those established by Stanislaus County. Therefore, the Salida Community Plan, as adopted by Stanislaus County, will continue to regulate growth and development for this area, even upon annexation to the City.
 - b. Locational Criteria: This designation is applied only in the Salida Comprehensive Planning District, as shown in Figure III-1. These are precisely the same boundaries as for the Salida Community Plan adopted by Stanislaus County as of January 1, 1995.

- c. Land Use Intensity: The Stanislaus County General Plan, in effect as of January 1, 1995, contained ten land use designations to guide development within the Salida Community Plan. School sites were also designated in the Community Plan. These land use designations are described in detail in the "Salida Comprehensive Planning District," presented in Section III-D.

C. LAND USE POLICIES

The Land Use Designations presented above are supplemented by Land Use Policies, presented in this Section. These Land Use Policies are categorized as follows:

1. Overall Land Use Policies

- a. The Zoning Code (Title X of the Modesto Municipal Code) and the Zoning Map, shall be used as the primary vehicle to guide future development in the Baseline Developed Area. A secondary vehicle is policies in existence in the Base Year (1995) of this General Plan.
- b. Section 65803 of the Government Code indicates that in charter cities such as Modesto, zoning need not be consistent with the General Plan. Notwithstanding, development plans within the Baseline Developed Area may be found consistent with the General Plan if they are consistent with the Zoning Code and Map and the various policies of the General Plan. Zone changes may be approved anywhere in the General Plan Area, if the following findings are made:
 - (1) The requested zone change is required by public convenience or necessity.
 - (2) The requested change will result in an orderly planning use of land resources.
 - (3) The requested zone change is in accordance with the community's objectives as set forth in: the "Neighborhood Plan Prototype" policies presented in Section C-2, below (for property within the Baseline Developed Area); or a Comprehensive Plan prepared in accordance with this Chapter (for property within the Planned Urbanizing Area); or the Redevelopment Plan (for property within the Redevelopment Area).
 - (4) Adequate environmental mitigation has been provided through the implementation of appropriate mitigation measures established by the Master Environmental Impact Report and any supplements to the MEIR. Traffic and public facility issues are particularly relevant in this analysis.

- c. Additional vehicles to guide future development, in both the Baseline Developed Area and the Planned Urbanizing Area, include: Neotraditional Planning Policies (C-3, below) and the Neighborhood Plan Prototype Policies (C-2, below).
- d. Specific Plans, adopted pursuant to Section 65450 et seq of the California Government Code, may be used to provide primary policy guidance to future development within their respective geographic areas. Specific Plans may be adopted to implement any of the Land Use Designations presented on the Land Use Diagram, and they may be used within any Growth Strategy designation: Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area.
- e. Annexation of Noncontiguous Land (not shown on Land Use Diagram).

Section 65300 of the State Government Code allows the General Plan to address policies to any land "outside its boundaries which in the [City's] judgment bears relation to its planning."

In addition, Section 56111 of the Government Code allows a city to "annex noncontiguous territory not exceeding 300 acres, which is located in the same county as that in which the city is situated, and which is owned by the city and is being used for municipal purposes at the time commission proceedings are initiated...Territory which is used by a city for reclamation, disposal, and storage of treated wastewater may be annexed to the city pursuant to this section without limitation as to the size of the area encompassed within the territory so annexed."

In the past, the city has relied upon Section 56111 of the Government Code to annex certain properties noncontiguous to the city, for the purpose of establishing and expanding certain wastewater treatment facilities on Jennings Road, adjacent to the San Joaquin River. Because this site is approximately 7 miles from the city limits and Section 56111 only applies to publicly-owned land not intended for private development, this site is not depicted graphically on the Land Use Diagram. Nevertheless, as long as Section 56111 remains in effect, the city will continue to expand the treatment facilities, and annex the land to the city as appropriate and as needs dictate. The Sphere of Influence should reflect the ability of the city to take this action.

The City will designate a riparian habitat preserve for the Jennings Road and Sutter Avenue wastewater facilities, where they adjoin the San Joaquin and Tuolumne Rivers respectively, to foster the best conjunctive management of wastewater facilities which are also used as habitat by threatened or endangered species.

2. "Neighborhood Plan Prototype" Policies

The "Neighborhood Plan Prototype" was developed in 1974 to provide a "blueprint" for development of future residential neighborhoods. The Neighborhood Plan Prototype is designed to create residential areas served by neighborhood parks, elementary schools, a neighborhood shopping center, and a collector street pattern connecting these uses. The Neighborhood Plan Prototype is a model for: subdivision designs; location of parks and other capital facilities; and zoning and pre-zoning studies. As of the baseline year of 1995, much of the Baseline Developed Area has been developed according to this Prototype.

Within the Modesto community, "Neighborhoods" are typically one mile by 3/4 mile (approximately 480 acres in size), and bordered by Arterial streets or expressways. The term "neighborhoods," as used in this section, refers to defined geographic areas of the city, not necessarily to social descriptions of neighborhoods.

The following policies describing the Neighborhood Plan Prototype are presented:

- a. Neighborhoods should contain a variety of housing types, as allowed by the R-1, R-2, R-3, and P-D Zones of the Modesto Zoning Code. The location and distribution of the different housing types within a neighborhood are presented in Figure III-3, "Neighborhood Plan Prototype".
- b. Neighborhoods should contain sufficient elementary schools necessary to serve the residential development within the neighborhood. Schools should be located on Collector streets within the neighborhood, preferably at or near the intersection of two Collector streets.
- c. Neighborhood parks sufficient to serve the residential development within the neighborhood (see Section V-G for parks standards) should be located adjacent to school sites.
- d. A 7-9 acre neighborhood shopping center, containing 60,000 to 100,000 square feet of gross leasable space, should be located in each neighborhood. The Shopping center should be located at the intersection of two Arterial streets, as shown in Figure III-3.
- e. A network of Collector streets should be developed within each neighborhood, as shown in Figure III-3. These Collector streets should utilize the following principles:
 - (1) Collector streets should provide direct linkages from the residences within a neighborhood to neighborhood facilities within the same neighborhood, such as schools, parks, shopping

areas, churches, etc., and a connection to peripheral Arterial streets but not to peripheral expressways or freeways.

- (2) Collector streets should be designed to intersect Arterial streets at 1/4 mile intervals.
 - (3) Collector streets should cross Arterial streets with four-way intersections to facilitate Arterial street traffic signalization but should not be continuous alignments through two or more neighborhoods as their function is not to serve as through traffic arteries. Several "through" Collector streets are acknowledged based on their pre-existence as county service roads to agricultural areas.
- f. Minor adjustments to the Neighborhood Plan Prototype can be made to accommodate existing development in an area.
- g. If a neighborhood is bordered by an expressway on one or more sides, then the following modifications should be made in implementing the Neighborhood Plan Prototype:
- (1) Zoning adjacent to the expressway should be R-1, rather than R-2 or R-3.
 - (2) The neighborhood shopping center should not be located adjacent to the expressway.
 - (3) If the expressway is a Class A expressway, there shall be no Collector streets intersecting with the expressway.
 - (4) If the expressway is a Class B expressway, there may be no Collector street intersecting with the expressway, or just one Collector street intersection on the half mile, with right turn in, right turn out only (no median break).

3. Neotraditional Planning Principles

In 1990, the Village One project offered the City the first opportunity to explore a relatively new set of urban design principles, collectively known as "Village Planning" or Neotraditional Planning. In 1992, the Local Government Commission published Land Use Strategies for More Livable Places, which presented a number of design concepts which help to define Neotraditional Planning. Primary among these concepts is that all planning should be in the form of complete and integrated communities containing housing, work places, schools, parks and civic facilities essential to the daily life of the residents. These concepts can be applied at the community level or at the neighborhood level.

The following policies are established to implement Neotraditional Planning principles for the City of Modesto.

- a. Communities or neighborhoods should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- b. As many activities as possible should be located within easy walking distance of transit stops.
- c. Communities or neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- d. Businesses within a community or neighborhood should provide a range of job types for the community's or neighborhood's residents.
- e. The location and character of the community or neighborhood should be consistent with a larger transit network.
- f. Each community or neighborhood should have a center focus that combines commercial, civic, cultural, and recreational uses.
- g. Each community or neighborhood should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- h. Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed traffic. Wherever possible, natural terrain, drainage, and vegetation should be preserved with superior examples contained within parks or greenbelts.

D. COMPREHENSIVE PLANNING DISTRICTS

Each of the Comprehensive Planning Districts delineated on the Land Use Diagram (Figure III-1) are further described in this Section. All Comprehensive Plans adopted to implement a given Comprehensive Planning District, shall include a text narrative and a map or diagram, conforming to the requirements of the relevant Comprehensive Planning District. This Section presents policies which apply within all Comprehensive Planning Districts, followed by detailed policy narratives focusing on the unique character of each Comprehensive Planning District presented on the Land Use Diagram (Figure III-1).

1. Principal Comprehensive Planning District Policies

The following Principal Comprehensive Planning District Policies apply to all Comprehensive Planning Districts, regardless of whether they are located in the Baseline Developed Area or the Planned Urbanizing Area.

- a. Since each Comprehensive Planning District contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately-initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners.
- b. The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for development in any Comprehensive Planning District within the Planned Urbanizing Area, as defined in this Chapter, without first holding an advisory election as provided by Section 5353 of the California Elections Code. Furthermore, this policy is only intended to apply to development; the policy does not restrict in any way the ability of the City to annex unincorporated territory in accordance with Section 56000 et. seq. of the Government Code (Cortese-Knox Local Government Reorganization Act) or its successors.
- c. The Comprehensive Plan within each Comprehensive Planning District should establish clear and comprehensive implementation tools which identify all subsequent land use approvals required to be consistent with the Comprehensive Plan.
- d. Because of their size, shape, and proximity to existing areas developed under the Neighborhood Plan Prototype policy of the 1974 General Plan, the following Comprehensive Planning Districts do not need to comply with the above Principal Comprehensive Planning District Policies (D-1(a) through D-1(c)):

Pelandale/Snyder CPD
Pelandale/McHenry CPD
Coffee/Claratina CPD
North/Beyer CPD
Fairview CPD

In the above instances, the "Neighborhood Plan Prototype" Policies and the City's Zoning and Subdivision Ordinances provide sufficient guidance for future development of these CPD's. Notwithstanding, all Comprehensive Planning Districts need to comply with the following Principal Policies

- e. The full costs of on-site and off-site public infrastructure and public services required to support new development should be identified, and a funding strategy developed by the City, at the time that a Comprehensive Plan is prepared. This strategy should generally

address public facility funding, including schools, for any annexation plan, comprehensive plan, specific plan or neighborhood development plan. Where new public facilities are required which will serve the broader community outside a Comprehensive Planning District, broad-based funding mechanisms should be identified within the Comprehensive Plan, along with a funding strategy.

- f. Comprehensive Plans, as defined in Chapter VII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et. seq. of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development.
- g. More than one Comprehensive Plan may be processed within a given Comprehensive Planning District (CPD), as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District.
- h. A "Focused Environmental Impact Report" as defined by Section 21158 of the Public Resources Code shall be required for each Comprehensive Plan to implement the policies of each Comprehensive Planning District. Each Focused EIR shall concentrate on those resources and issues presented in the Master Environmental Impact Report prepared and certified for the General Plan.
- i. Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that Comprehensive Plan, if the City as Lead Agency can make the following finding:

"No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available." (Section 21157.6(a) of Public Resources Code.)
- j. All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-27), shall be applied wherever indicated in each individual District's narrative.
- k. The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, and VI.

- I. Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V.
- m. Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with all of these Policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.
- n. The exact boundaries of each Comprehensive Planning District may be shifted somewhat, as Comprehensive Plans are processed. However, any proposed boundary shifts shall address all public facility and public service requirements of the Planned Urbanizing Area, as specified in Chapter V.

2. Adoption of Comprehensive Planning Districts

On the following pages, twenty-six Comprehensive Planning Districts are hereby adopted as Exhibits III-2 through III-27 inclusive. Brief descriptions of these Comprehensive Planning Districts are summarized in alphabetical order, in Exhibit III-1. The order presented does not imply the order in which each Comprehensive Plan should be processed. To the contrary, no phasing or sequencing of development is intended through the "Comprehensive Planning District" process, as long as each Comprehensive Plan conforms to the requirements of its respective Comprehensive Planning District.

Exhibit III-1

COMPREHENSIVE PLANNING DISTRICT SUMMARY

<u>Exhibit No.</u>	<u>Comprehensive Planning District (CPD)</u>	<u>Land Use Designations Within the CPD</u>	<u>Acreage</u>
III-2	Beckwith/Dakota	Business Park	290
		Regional Commercial	270
III-3	Blue Gum/Dakota	Village Residential	970
III-4	Coffee/Claratina	Residential	130
		Regional Commercial	40
III-5	College West	Business Park	240
III-6	Dry Creek	Open Space	460
III-8	Fairview	Village Residential	350
(III-7)	(Empire North)	(Deleted by Planning Commisison, 6/12/95)	n/a
III-9	Hetch Hetchy	Village Residential	860
		Regional Commercial	120
III-10	Highway 99	Regional Commercial	550
III-11	Highway 132 Business Park	Business Park	650
III-12	Johansen	Village Residential	610
III-13	Kiernan/Carver	Village Residential	650
		Business Park	660
		Regional Commercial	75
III-14	Kiernan/McHenry	Business Park	370
		Regional Commercial	100
III-15	North Beyer	Residential	160
III-16	Paradise/Carpenter	Village Residential	1,470
III-17	Paradise/Maze	Village Residential	1,580
III-18	Pelandale/McHenry	Residential	50
		Regional Commercial	30

III-19	Pelandale/Snyder	Residential	390
III-20	Roselle/Claribel	Village Residential Business Park	1,430 260
III-21	Salida	Salida Community Plan	1,450
(III-22)	(Santa Fe East)	(Deleted by Planning Commission, 6/12/95)	n/a
III-23	Stanislaus River	Open Space	770
III-24	Stoddard	Village Residential Business Park	520 380
III-25	Tuolumne River	Open Space	1,780
III-26	Village One	Village Residential Business Park	1,620 220
III-27	Whitmore/Carpenter	Village Residential	850

Exhibit III-1
COMPREHENSIVE PLANNING DISTRICT SUMMARY

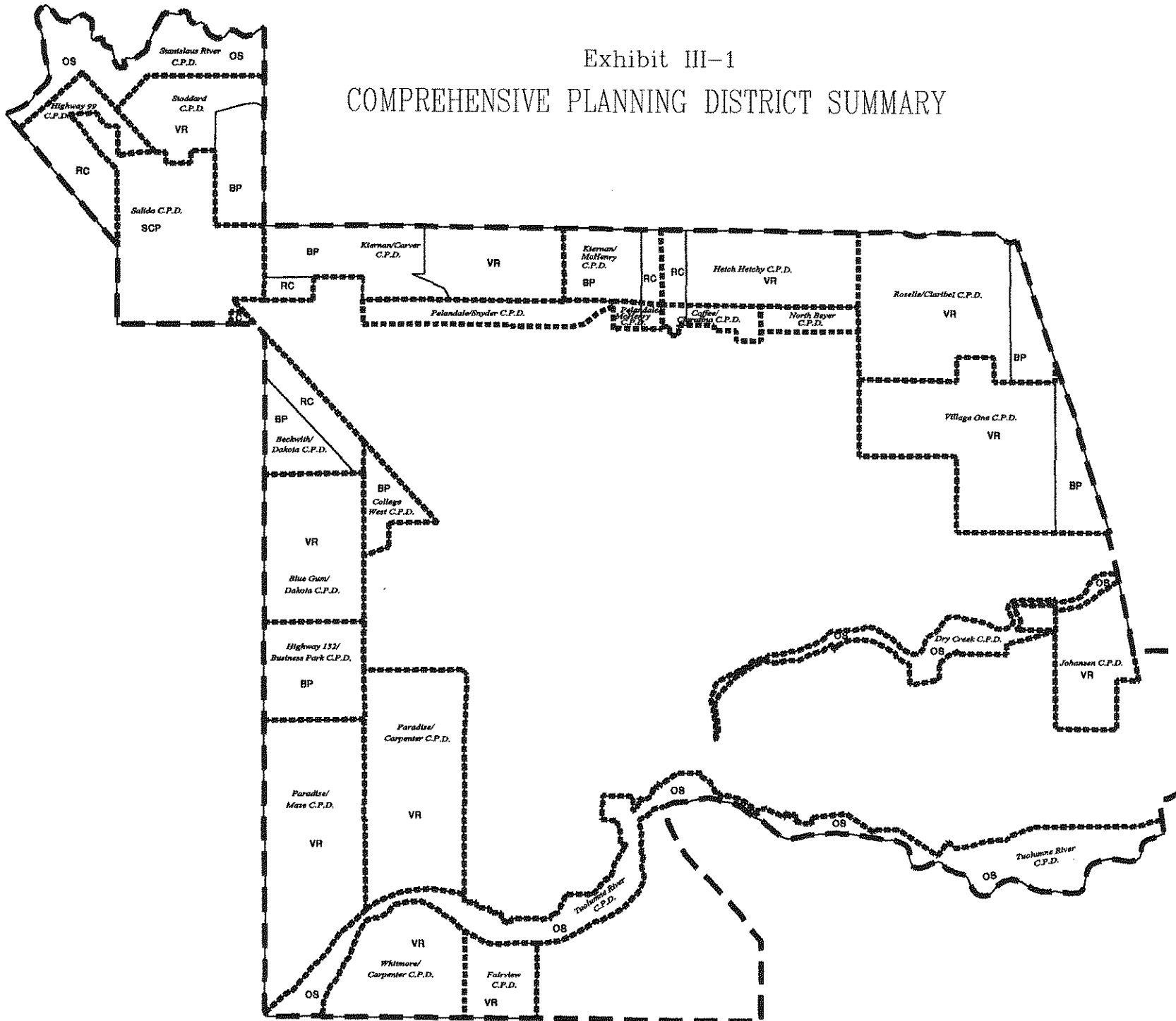


Exhibit III-2

BECKWITH/DAKOTA

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 560-acre Comprehensive Planning District is comprised of commercial uses adjacent to a frontage road parallel with the Southern Pacific Railroad and Freeway 99, with Business Park Uses comprising the balance of the Comprehensive Planning District. Primary access to this Comprehensive Planning District would be from the Beckwith interchange with Freeway 99 and with a future expressway along Dakota Avenue, directly linking to the Kiernan Avenue expressway.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 290 acres designated "Business Park"
- 270 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

The Regional Commercial land use should be sited along Freeway 99 to take advantage of the exposure to regional traffic.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) The commercial uses adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.
- (2) Adequate buffering shall be provided between the proposed Business Park uses and the Village Residential uses in the Blue Gum/Dakota CPD.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is dependent upon installation of the West No. 2 sanitary sewer trunk in the Blue Gum/Dakota Comprehensive Planning District to the south. A limited tie-in to the existing West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 15,600 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Regional Commercial uses and the Business Park uses shall be determined by the Comprehensive Plan.

BECKWITH/DAKOTA C.P.D.

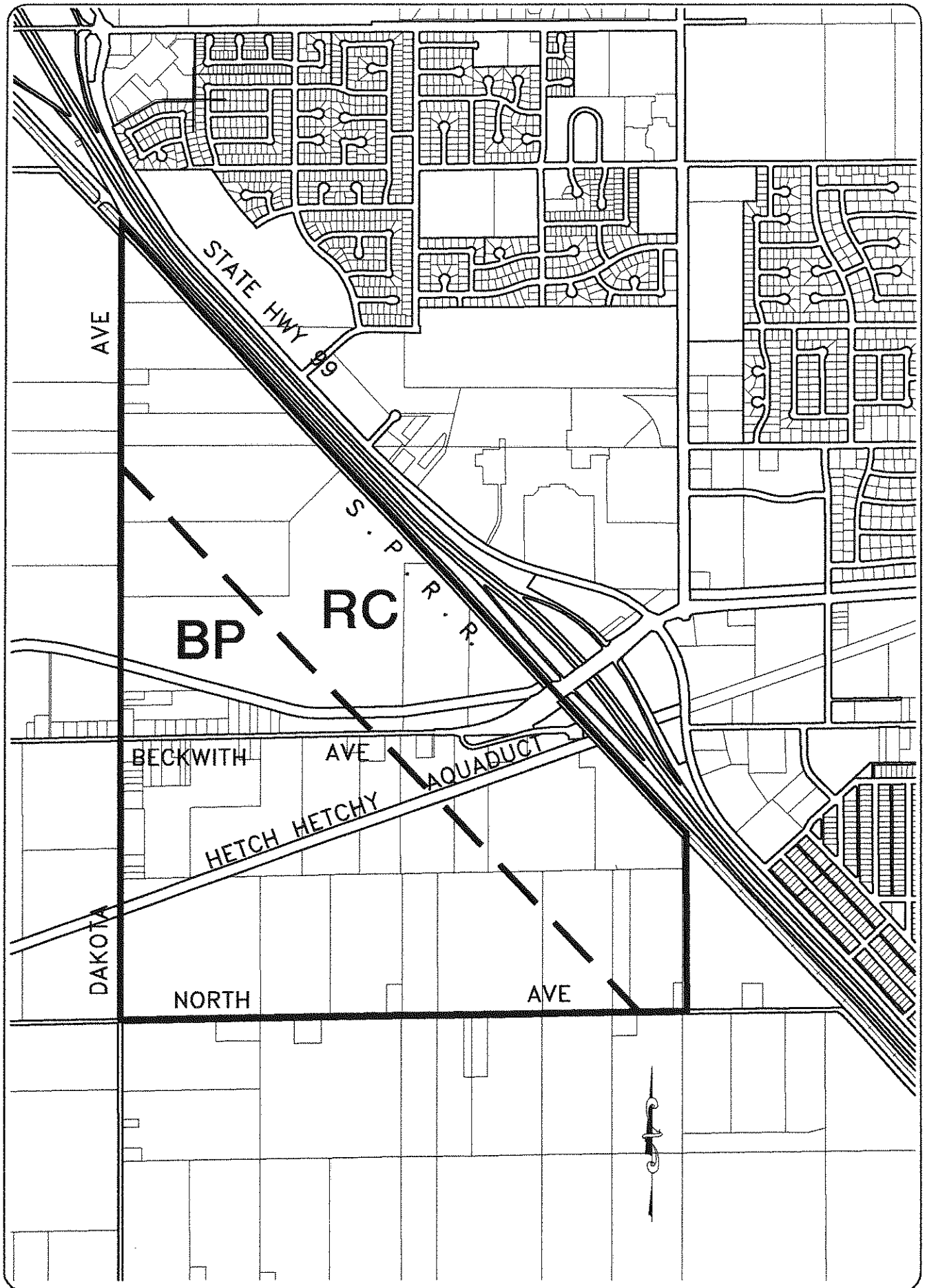


Exhibit III-3

BLUE GUM/DAKOTA

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 970-acre Comprehensive Planning District is intended to create a mixed use, pedestrian oriented community similar to Village One. This Comprehensive Planning District is bounded by the Dakota Avenue expressway on the west, and by Business Park uses on the north, east, and south.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 970 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

The support commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 4,900 dwelling units.
- (2) Adequate buffering shall be provided between residential uses and the Business Park uses to the north, east, and south. Adequate buffering shall also be provided adjacent to the Dakota Avenue expressway.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is dependent upon installation of the West No. 2 sanitary sewer trunk in the Paradise/Maze and Highway 132 Business Park Comprehensive Planning Districts to the south. Limited tie-in to the West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 4,900 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 800 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

BLUE GUM/DAKOTA C.P.D.

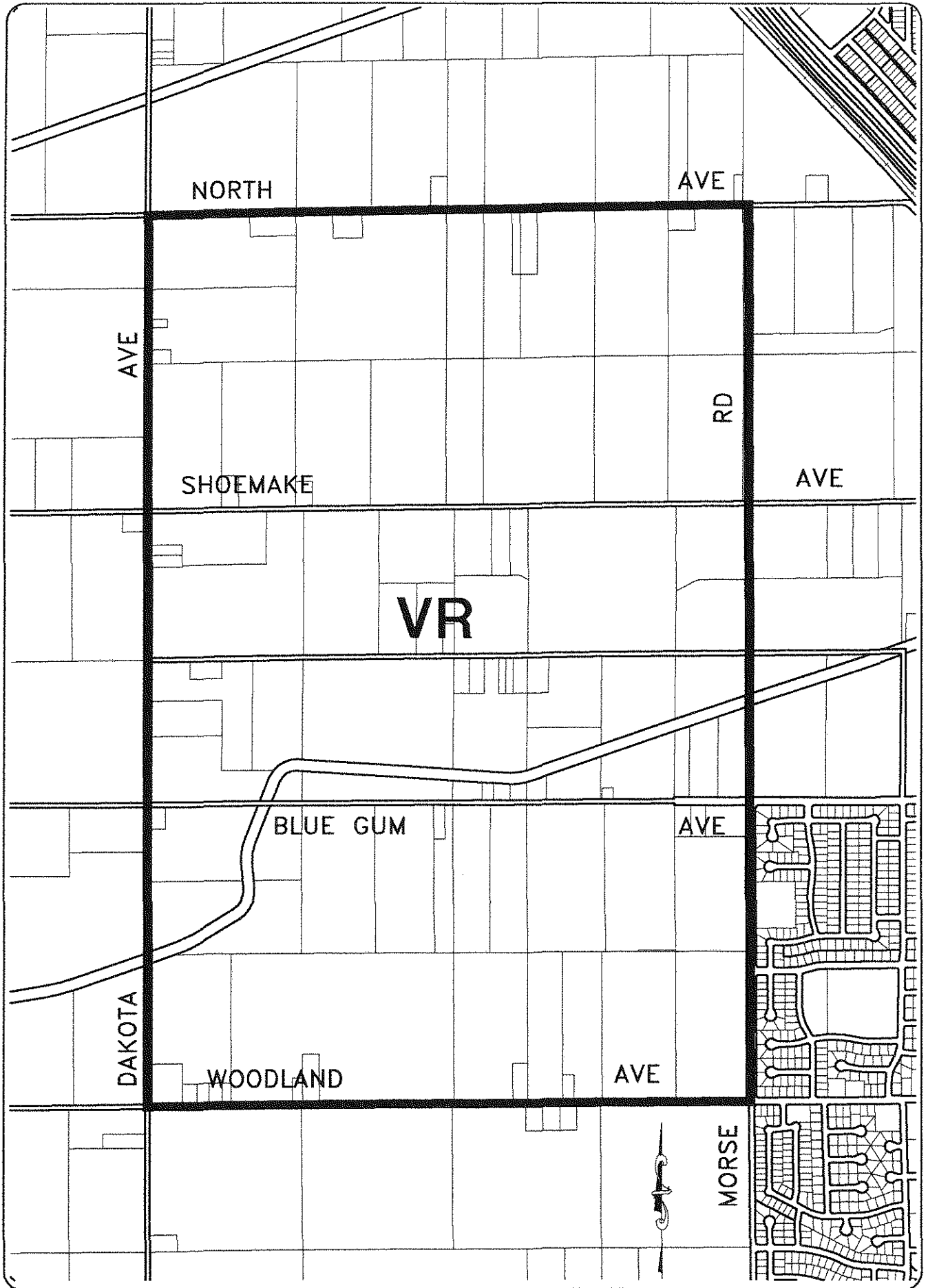


Exhibit III-4

COFFEE/CLARATINA
COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 170-acre Comprehensive Planning District is essentially an extension of the existing residential development pattern to the south.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 130 acres designated "Residential"
- 40 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

The Regional Commercial should be located along McHenry Avenue to join the established commercial uses on McHenry Avenue.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.

- (2) Development in this Comprehensive Planning District should be considered an extension of the existing development immediately to the south.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a subtrunk in Coffee Road that ties into the existing sanitary sewer system.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 1,000 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 800 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

COFFEE/CLARATINA C.P.D.

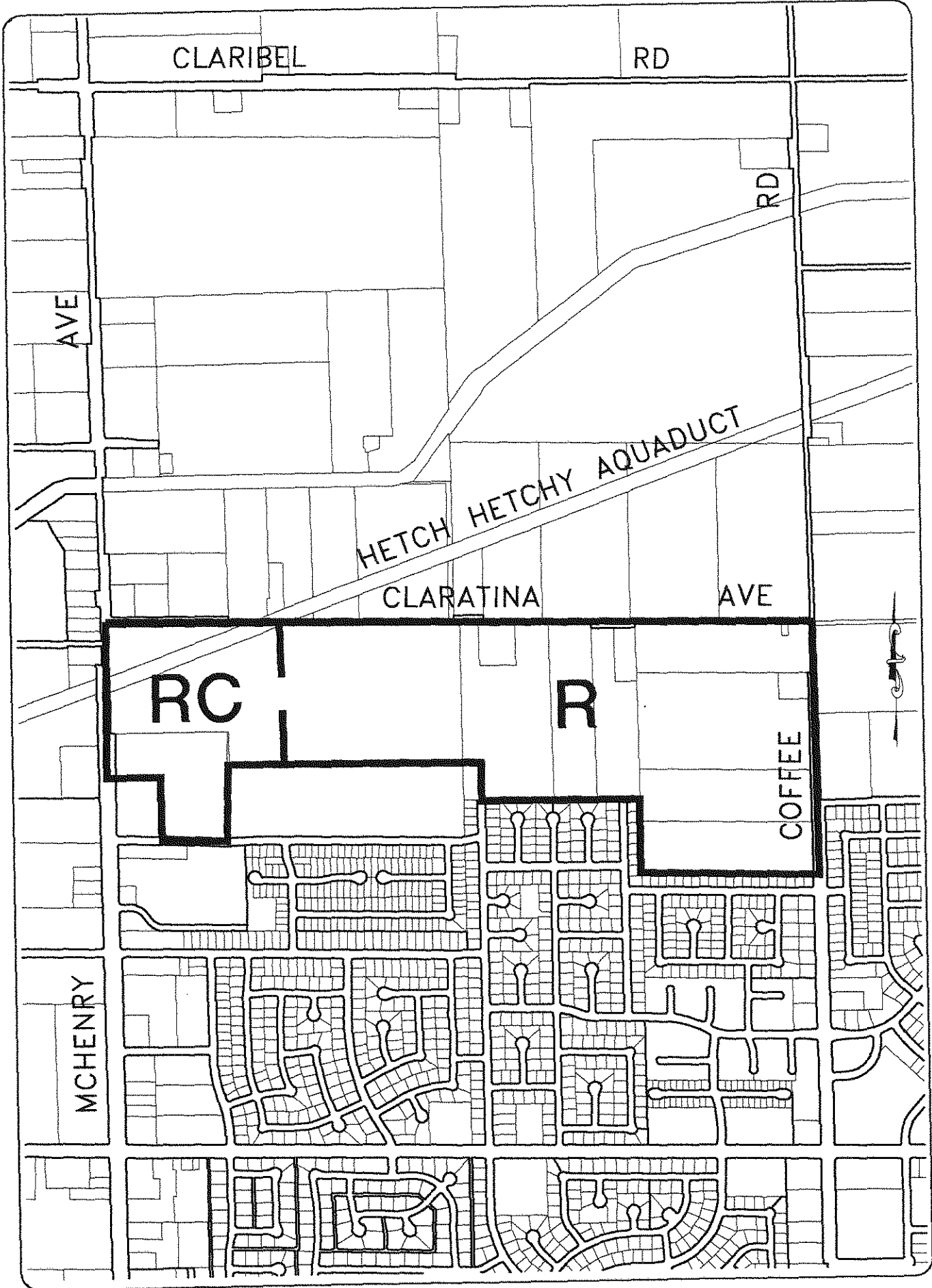


Exhibit III-5

COLLEGE WEST

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 240-acre Comprehensive Planning District is comprised entirely of Business Park land uses. The site fronts on Brink Avenue frontage road, the Southern Pacific Railroad and Freeway 99. Access to this Freeway is limited to the Beckwith and Carpenter interchanges.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 240 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) The Business Park uses located adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is presently served by the West sanitary sewer trunk.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 8,400 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The Final EIR prepared for the College West Industrial Park in 1991, should be consulted on the preparation of the Comprehensive Plan for this Comprehensive Planning District.

COLLEGE WEST C.P.D.

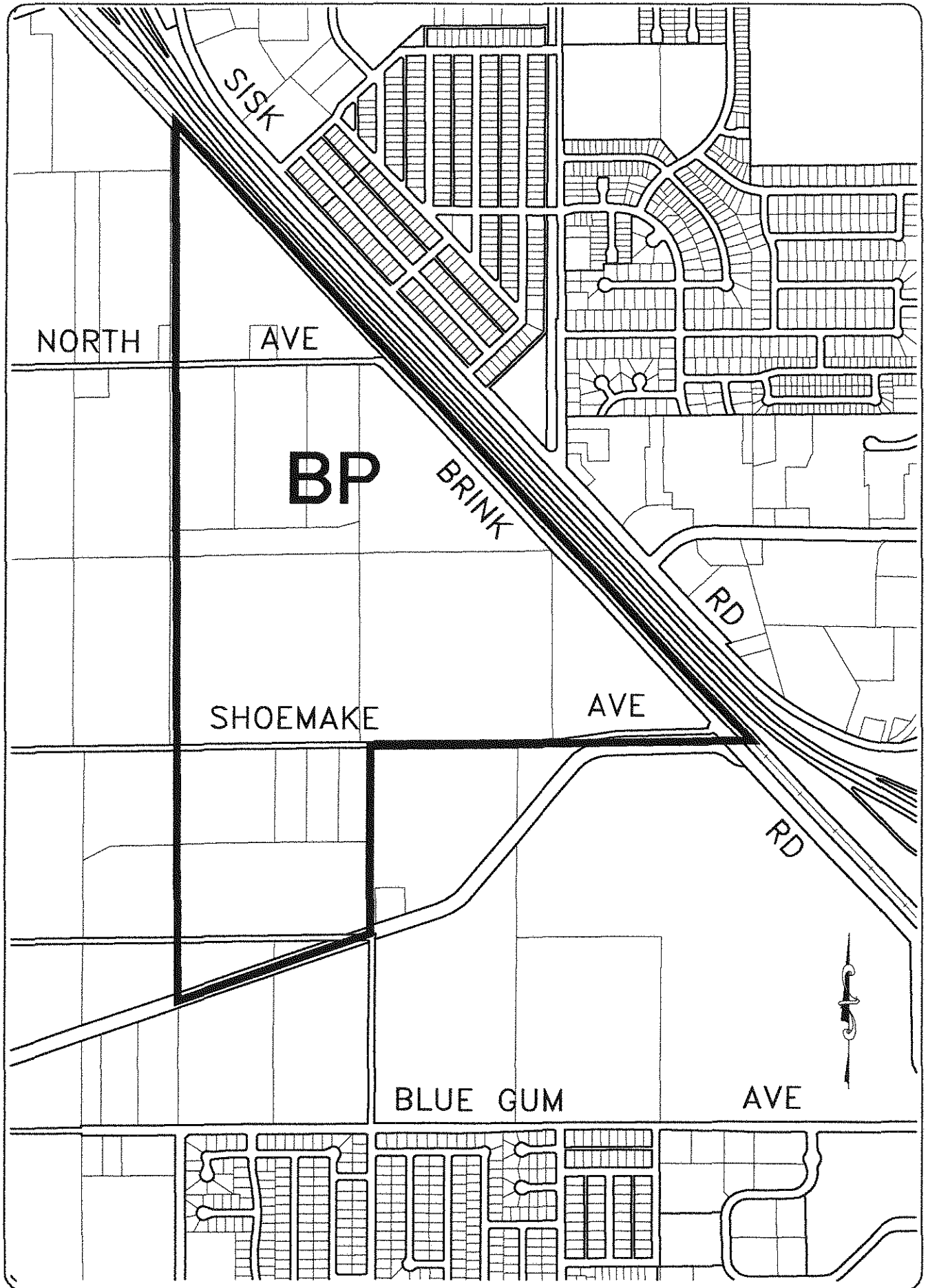


Exhibit III-6

DRY CREEK

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 460-acre Comprehensive Planning District contains a significant amount of public land owned by the City of Modesto, along the Dry Creek flood plain. A linear park is anticipated in this Comprehensive Planning District.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 460 acres designated "Open Space"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed, as provided by the Open Space Land Use Designation presented in Section III-B.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by adjacent City sewer lines.

6. Focused EIR:

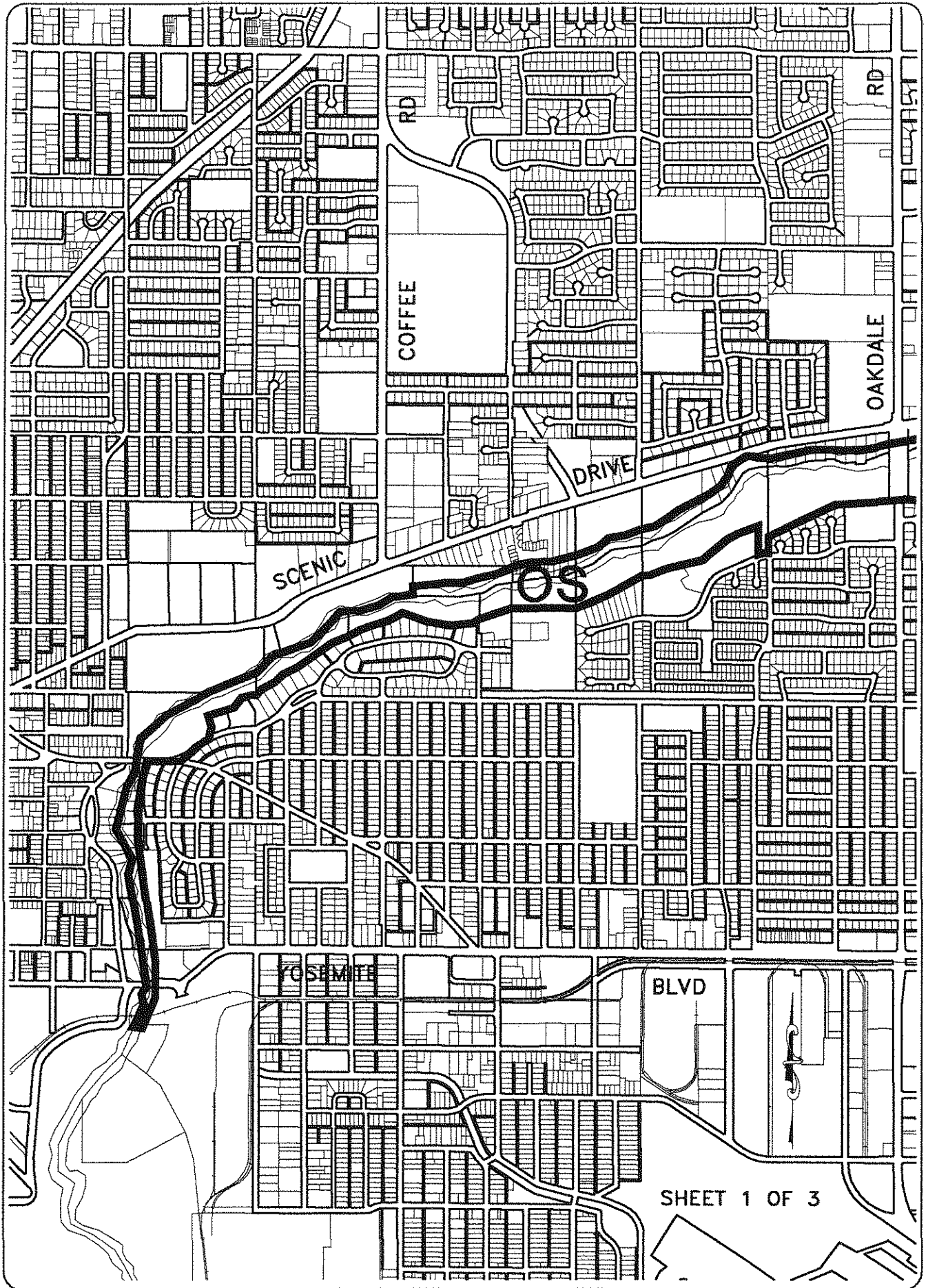
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 50 dwelling units was assumed for this Comprehensive Planning District.

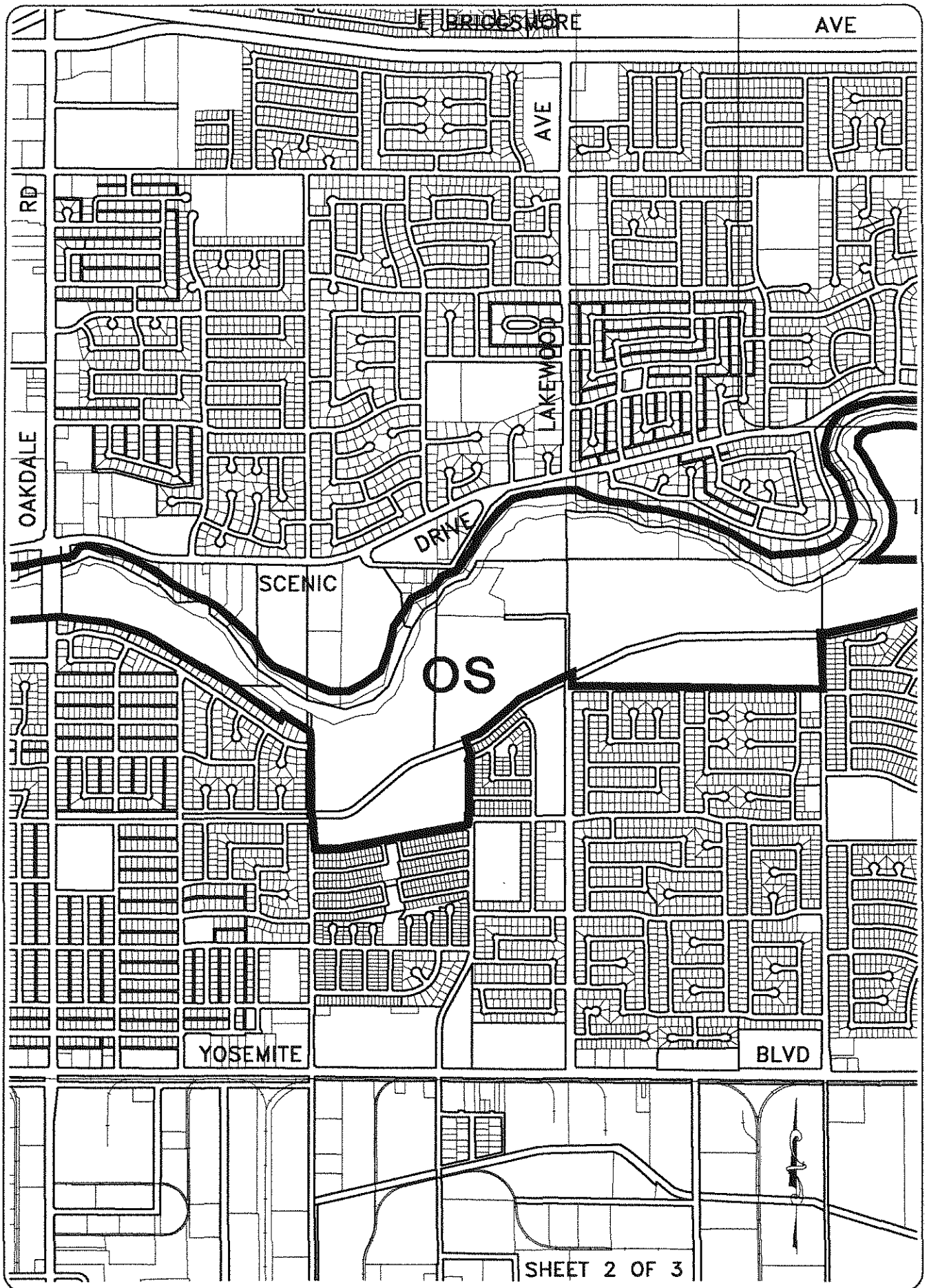
7. Special Considerations Unique to this Comprehensive Planning District:

- a. The exact boundaries of this comprehensive Planning District shall be determined by the Comprehensive Plan.
- b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.

DRY CREEK C.P.D.



DRY CREEK C.P.D.



DRY CREEK C.P.D.



Exhibit III-8

FAIRVIEW

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This Comprehensive Planning District proposes the preparation of a Specific Plan which will provide for the orderly development of approximately 350 acres of agricultural land with a variety of residential uses, a neighborhood commercial center, an elementary school, and neighborhood parks. Approximately 2,050 residential units are proposed. The project boundaries include Fairview Elementary School, and a second elementary school is proposed within the project site. Approximately 25 acres of parks are proposed.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 350 acres designated "Village Residential"

b. Location:

The support commercial uses in the Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,050 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a short subtrunk extension from the trunk sewer in South Modesto.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 2,050 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

FAIRVIEW C.P.D.

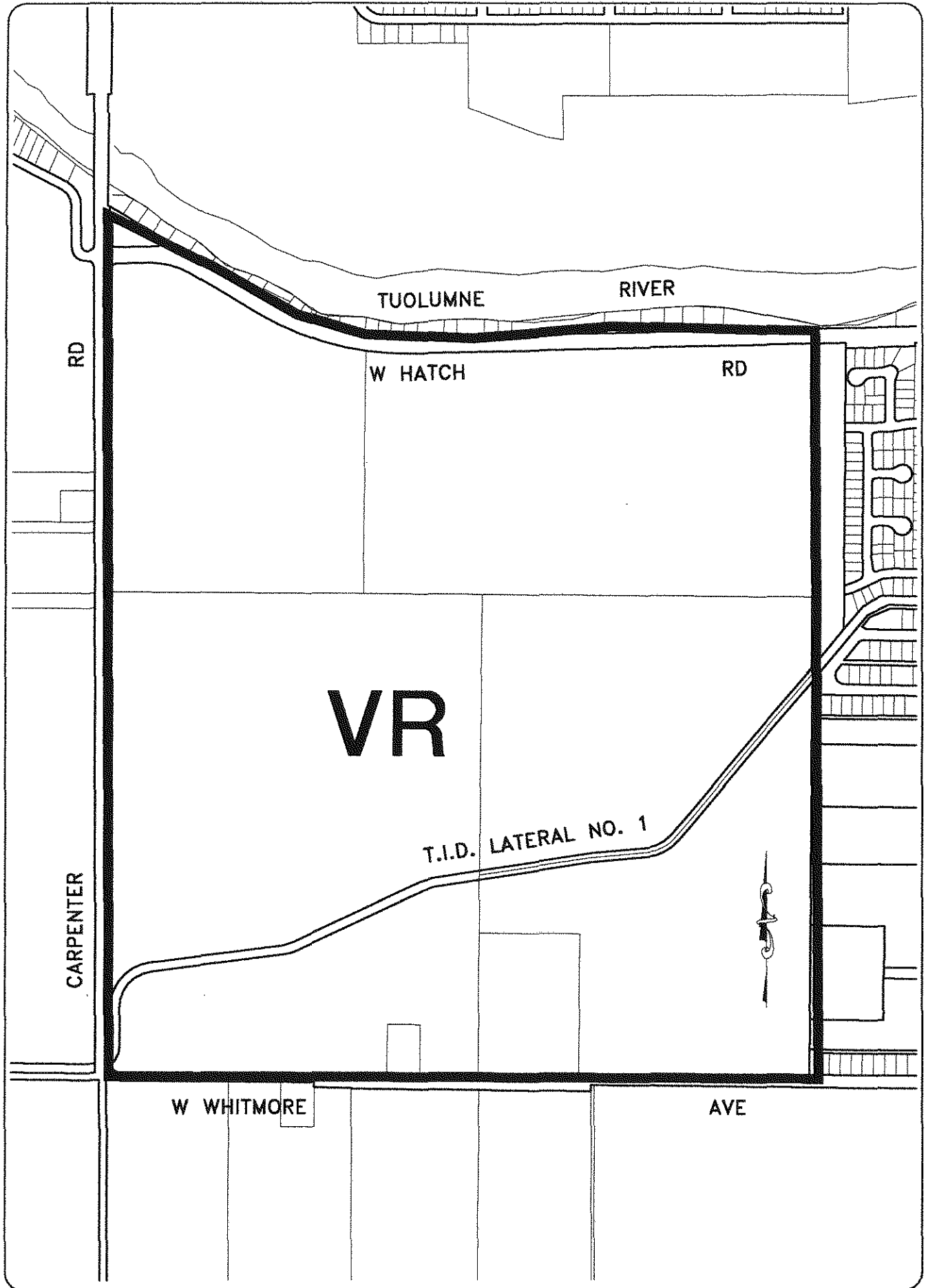


Exhibit III-9

HETCH HETCHY

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 980-acre Comprehensive Planning District, located between Claribel Road and Claratina Avenue (a proposed expressway), proposes predominantly "Village Residential" uses. The Hetch hetchy electrical transmission lines and aqueduct, which ultimately serve the City and County of San Francisco, traverse this site in a 110-foot-wide right-of-way.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 860 acres designated "Village Residential"
- 120 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

- (1) The regional commercial uses are located along the east side of McHenry Avenue to accommodate the established commercial uses along McHenry Avenue.
- (2) The supporting commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 4,400 dwelling units.
- (2) The Hetch Hetchy right-of-way, power lines, and aqueduct that traverse this Comprehensive Planning District present a significant design constraint that should be addressed.
- (3) The regional commercial uses should be located along the east side of McHenry Avenue to join the established commercial uses along McHenry Avenue.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by an extension of the North Trunk from Dale Road easterly through two Comprehensive Planning Districts: Kiernan/Carver and Kiernan/McHenry.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 4,400 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 3,100 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Village Residential and Regional Commercial uses will be determined by the Comprehensive Plan.

HETCH HETCHY C.P.D.

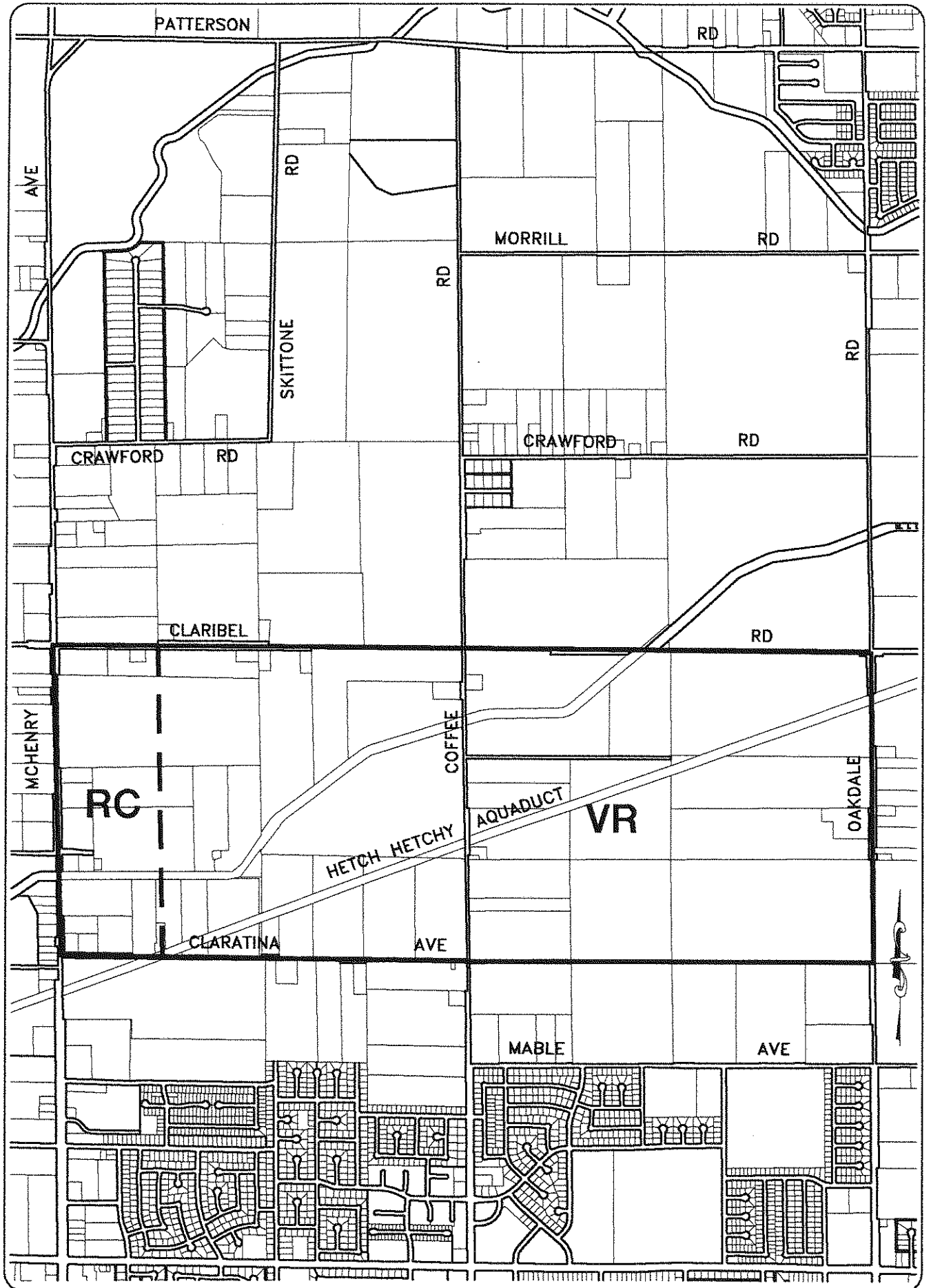


Exhibit III-10

HIGHWAY 99

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 550-acre Comprehensive Planning District proposes regional commercial uses to take advantage of proximity to Highway 99, and to present a "gateway" to Modesto.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 550 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) The Regional Commercial uses located adjacent to Freeway 99 shall be designed to present an attractive gateway to the City.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served by a Westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City's North end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 11,000 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Specific Plan.

HIGHWAY 99 C.P.D.

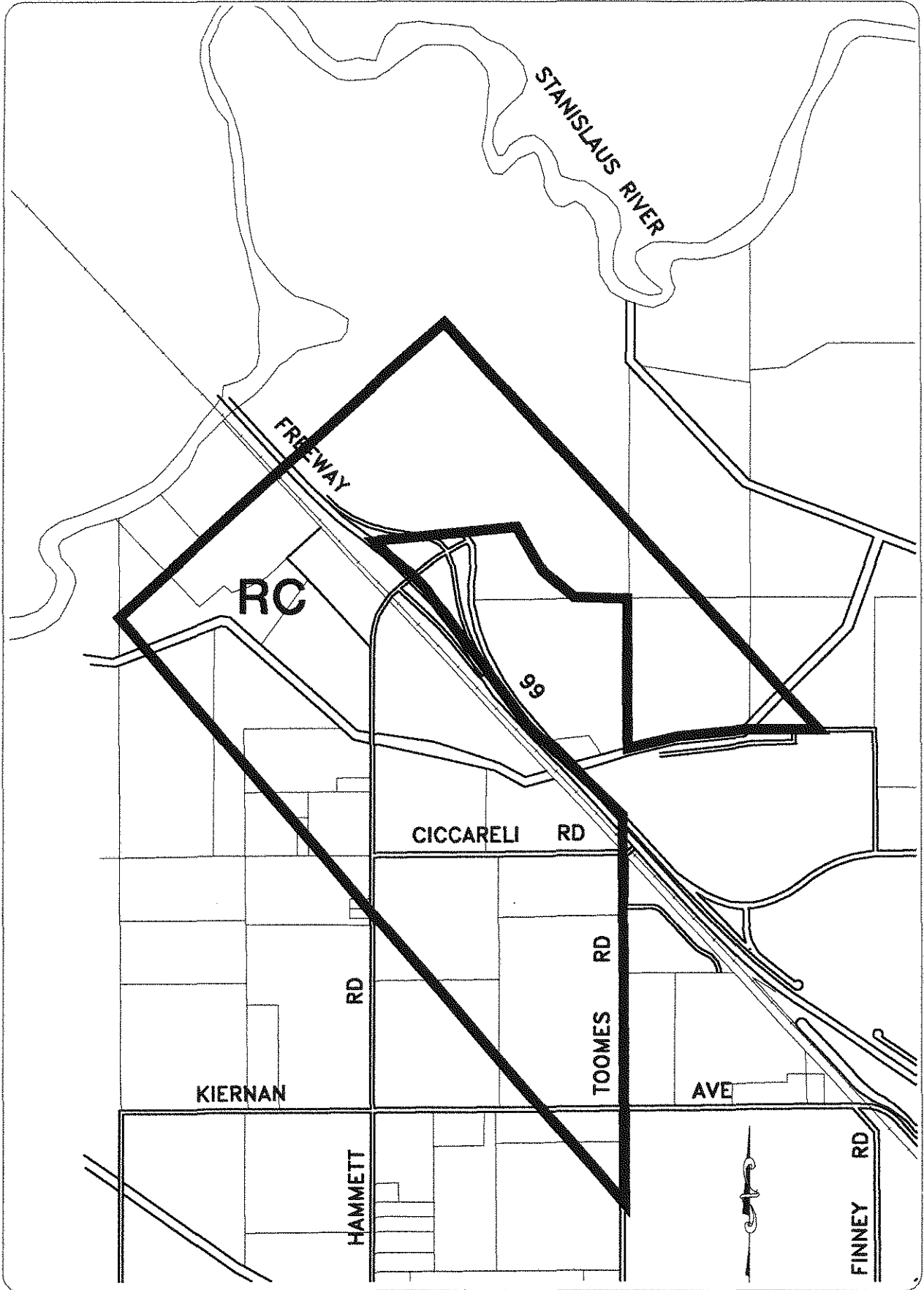


Exhibit III-11

HIGHWAY 132 BUSINESS PARK
COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 650-acre Comprehensive Planning district proposes a Business Park that would benefit from its proximity to Highway 132.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 650 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) The Business Park uses adjacent to Highway 132 shall be designed to present an attractive gateway to the City.

(2) Adequate buffering shall be provided between Business Park uses and residential uses to the north, east, and south.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is dependent upon installation of the West No. 2 Sanitary Sewer Trunk in the Paradise/Maze Comprehensive Planning District to the south. Limited tie-in to the West Trunk may be permitted as an interim measure as determined by the Public Works and Transportation Department.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 16,300 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

HIGHWAY 132 BUSINESS PARK C.P.D

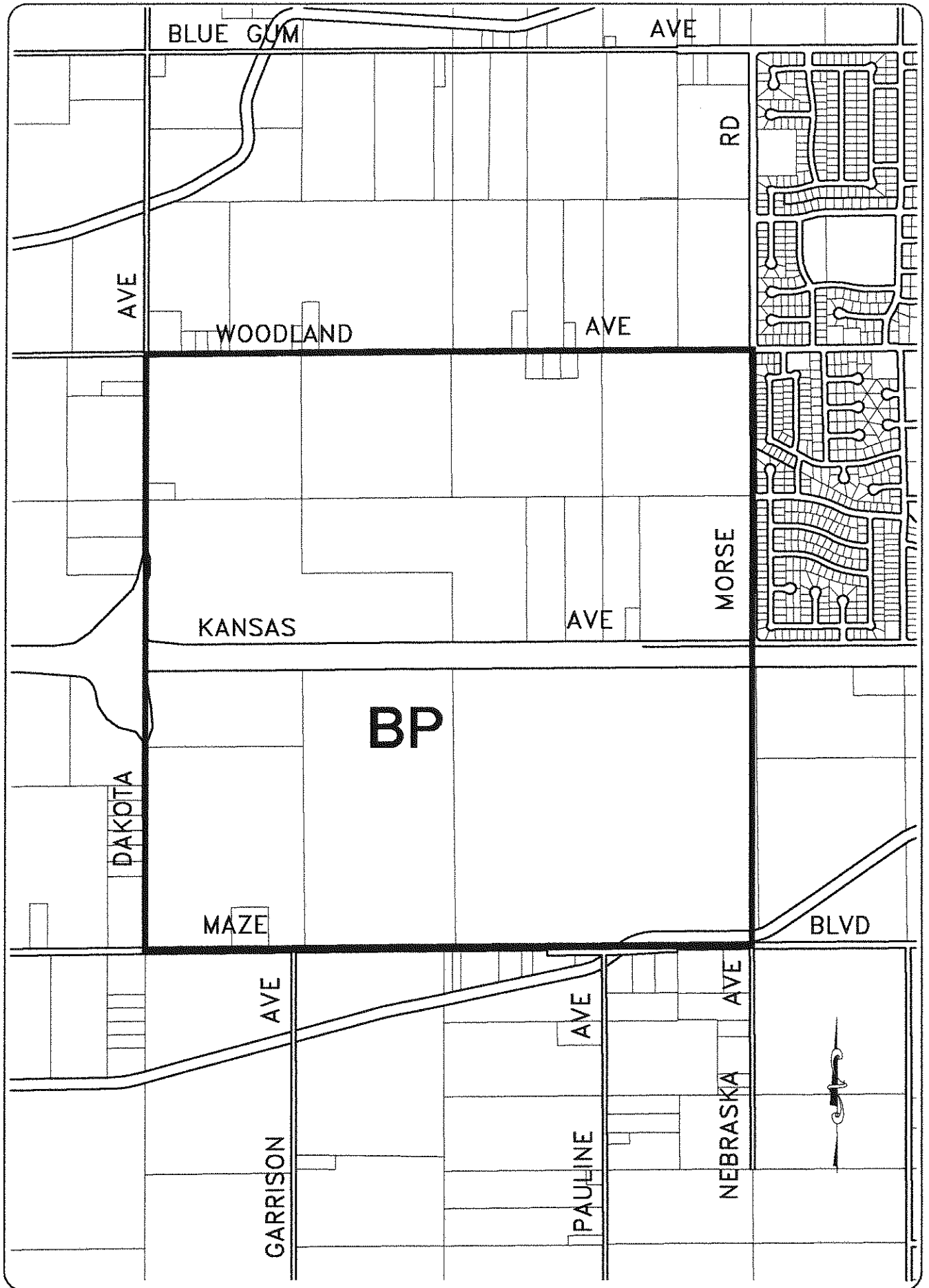


Exhibit III-12

JOHANSEN

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 610-acre Comprehensive Planning District proposes predominantly "Village Residential" uses located immediately east of the Claus Expressway. Johansen High School, with significant community and recreational facilities, will serve as a major focal point in this future community.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 610 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 3,100 dwelling units.

- (2) Johansen High School and Sutton Community Park, as significant existing public facilities, should be a focal point in this Comprehensive Planning District.
- (3) Compatibility with Santa Fe Railroad, as a significant noise generator, should be addressed in the Comprehensive Plan for this Comprehensive Planning District.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by the easterly extension of the Yosemite sanitary sewer trunk along Yosemite Boulevard from Claus Road adjacent to the West, to the Town of Empire.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 3,100 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

JOHANSEN C.P.D.

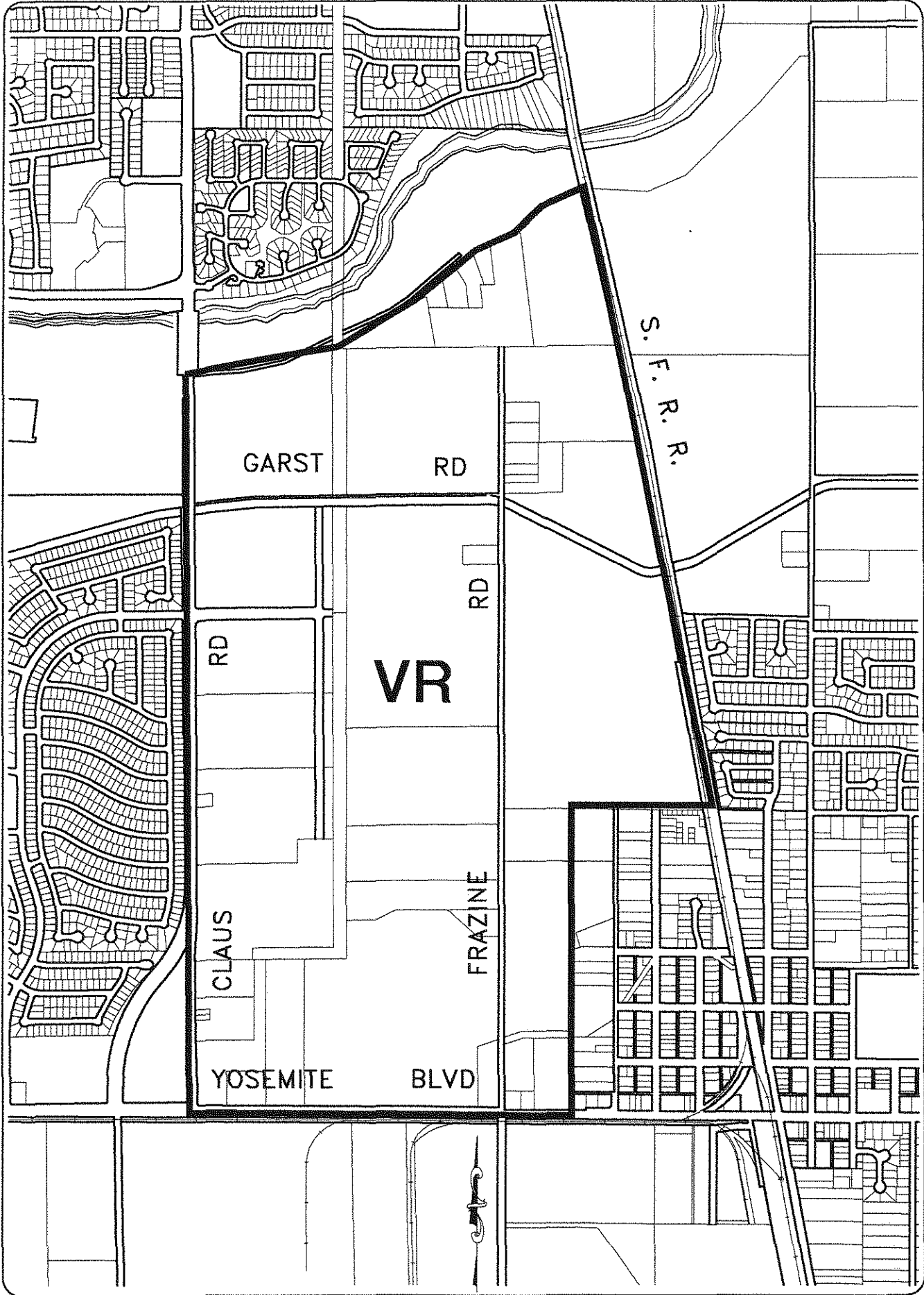


Exhibit III-13

KIERNAN/CARVER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,385-acre Comprehensive Planning District proposes a 660 acre Business Park fronting on the future Pelandale Avenue and Kiernan Avenue expressways, and 650 acres of Village Residential uses on the eastern half of the Comprehensive Planning District. Also included is a regional commercial center on Pelandale Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 650 acres designated "Village Residential"
- 660 acres designated "Business Park"
- 75 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

- (1) The Regional Commercial uses should be located near Highway 99 to take advantage of regional traffic.
- (2) The supporting commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Adequate buffering should be provided between the Business Park uses and residential use to the south and east.
- (2) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 3,300 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by an extension of the North Sanitary Sewer Trunk.

6. Focused EIR:

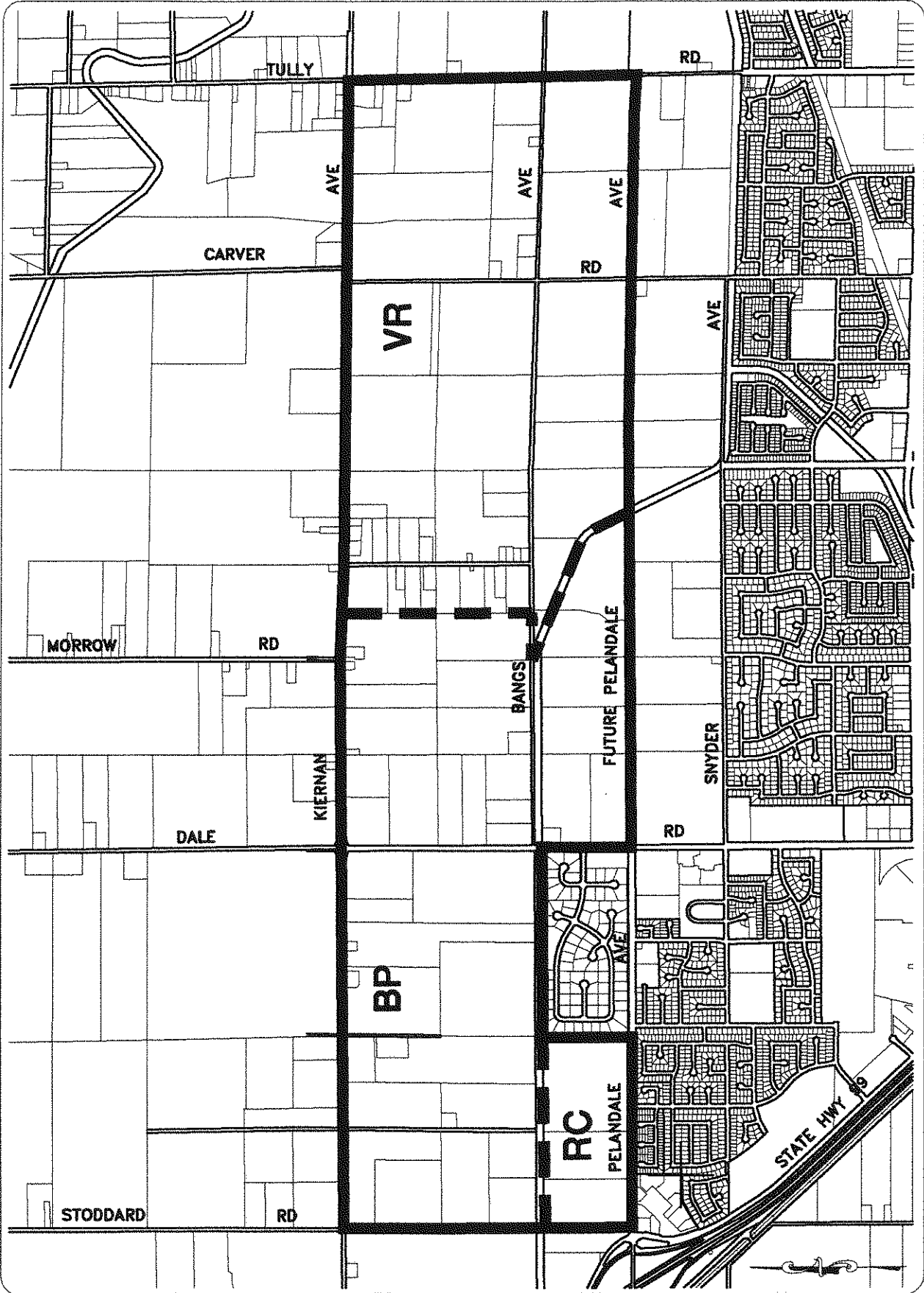
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 23,100 employees was assumed for this Comprehensive Planning District.
- b. A total of 3,300 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The final boundaries of the Business Park shall be determined by the Comprehensive Plan.

KIERNAN/CARVER C.P.D.



KIERNAN/MCHENRY

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 470-acre Comprehensive Planning District is composed of Commercial and Business Park uses, designated to take advantage of access along Kiernan Avenue (State Highway 219). This Comprehensive Planning District may also support future light rail transit along the present Union Pacific Railroad tracks.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 370 acres designated "Business Park"
- 100 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

The Regional Commercial is sited along McHenry Avenue to join the existing regional commercial uses on McHenry Avenue.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) The design of this Comprehensive Planning District should support the future use of light rail along the Union Pacific tracks.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by the North Sanitary Sewer Trunk after it is extended easterly through the Kiernan/Carver Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 15,000 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Business Park and Regional Commercial uses will be determined by the Comprehensive Plan.

KIERNAN/MCHENRY C.P.D.

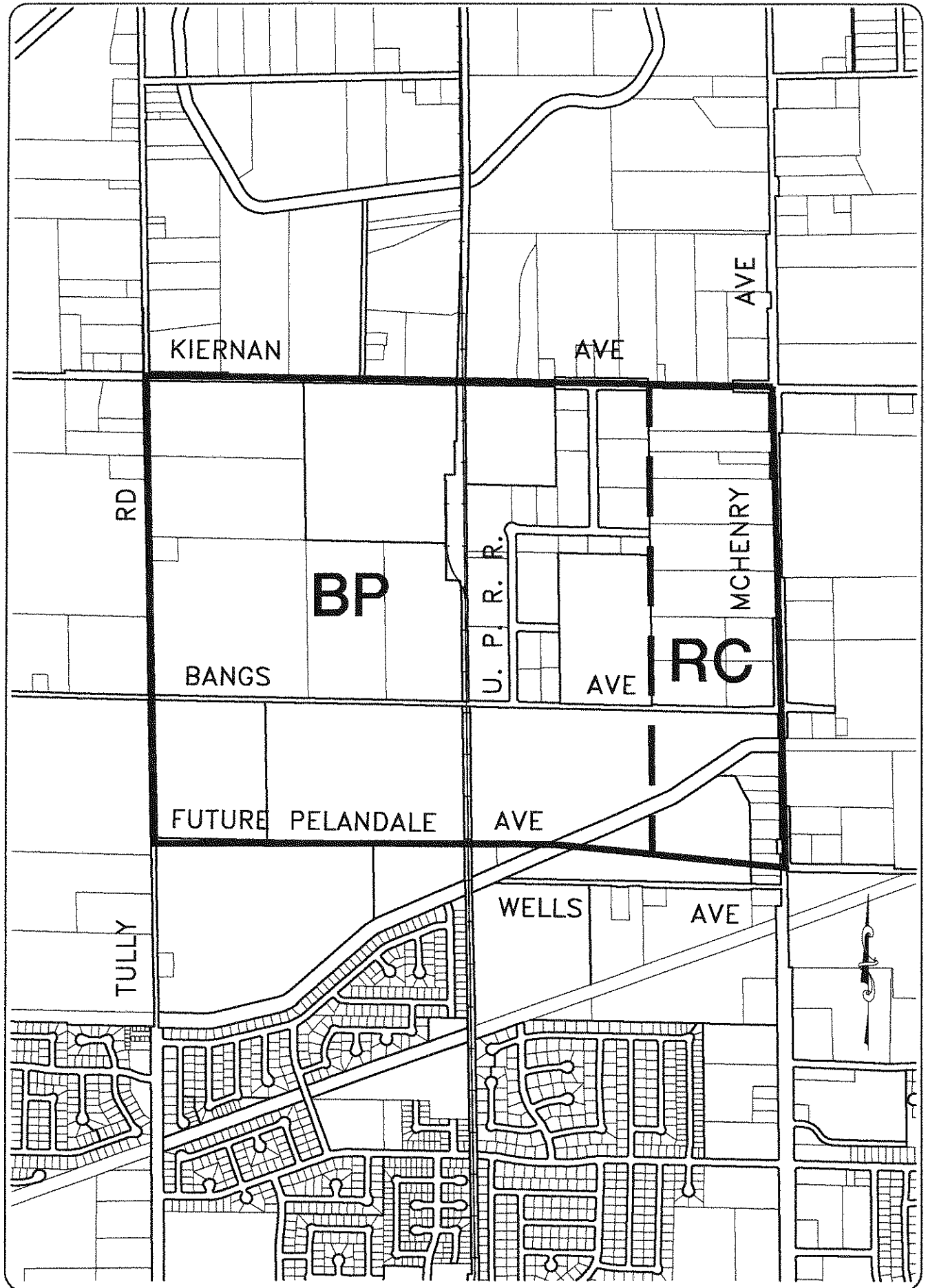


Exhibit III-15

NORTH BEYER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 160-acre Comprehensive Planning District is essentially an extension of the existing residential development south of Mable Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 160 acres designated "Residential"

b. Distribution of Land Uses Within the CPD

None, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,200 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a subtrunk in Coffee Road that ties into the existing sanitary sewer system.

6. Focused EIR:

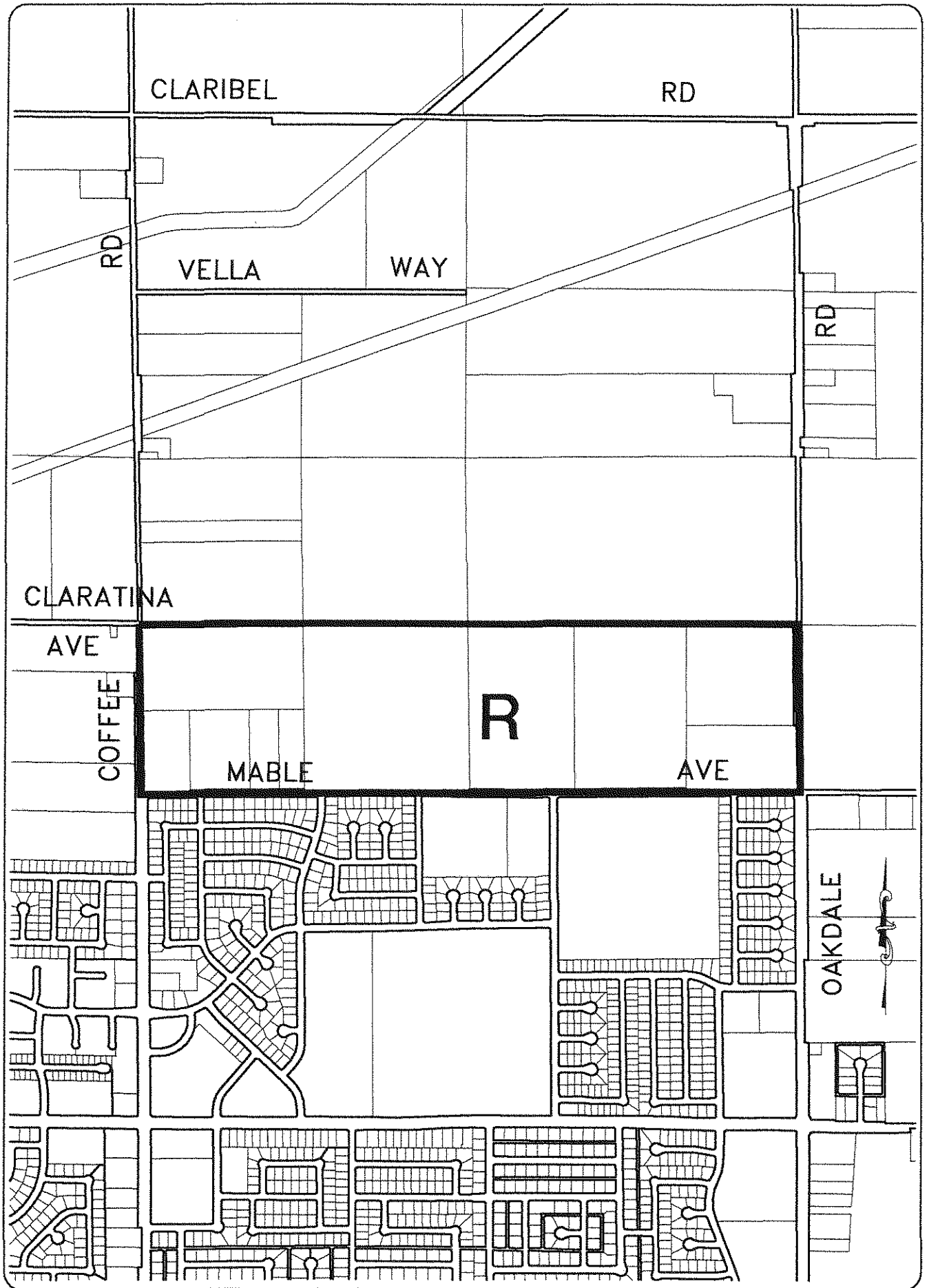
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 1,200 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

NORTH BEYER C.P.D.



PARADISE/CARPENTER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,470-acre Comprehensive Planning District promotes predominantly "Village Residential" uses. The northern portion of this Comprehensive Planning District takes access to Highway 132. The eastern boundary of this Comprehensive Planning District would take access to a future Carpenter Road Expressway.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,470 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

The support commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 7,500 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is already served by the West Sanitary Sewer Trunk.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 7,500 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 1,200 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

PARADISE/CARPENTER C.P.D.

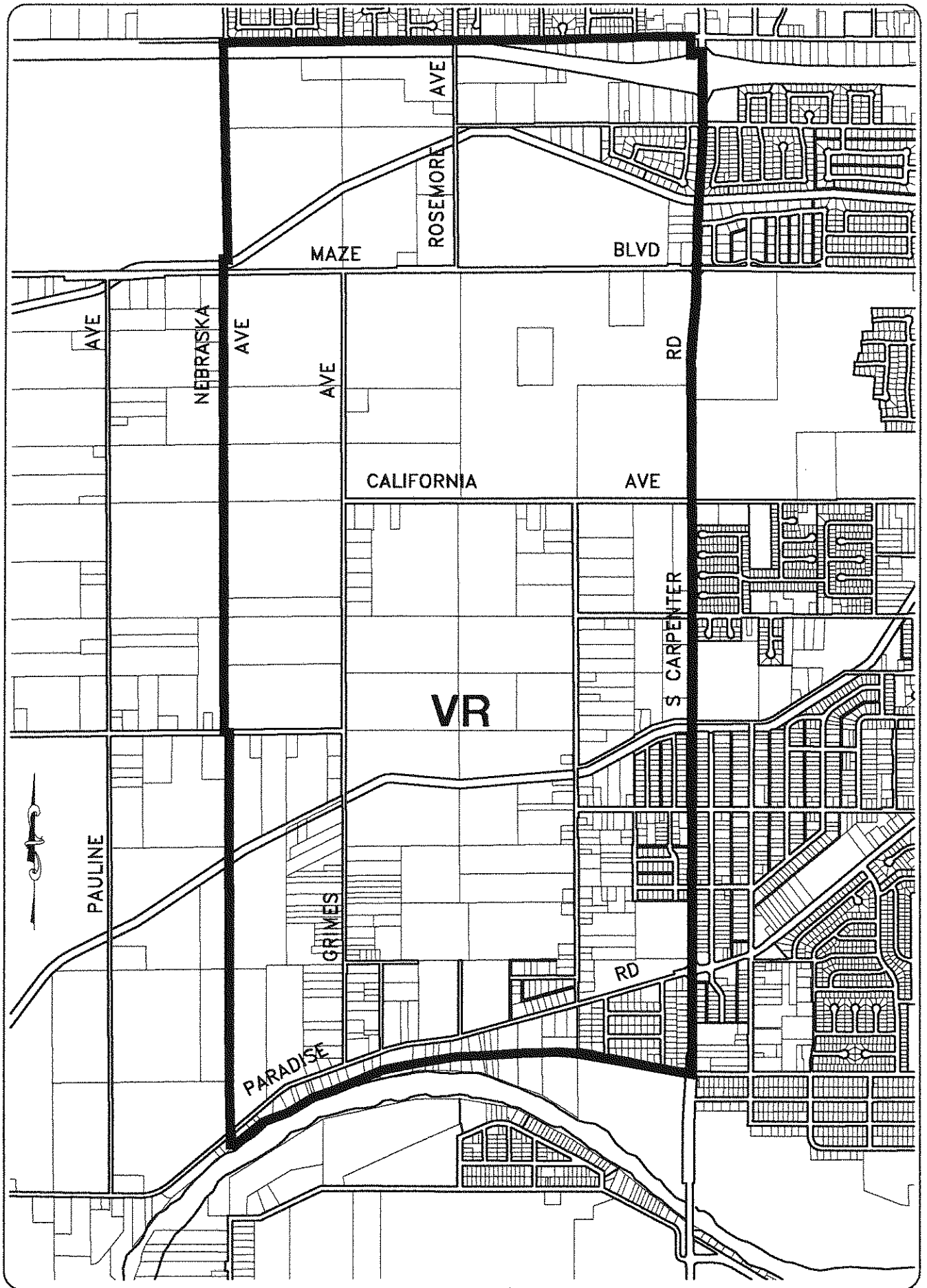


Exhibit III-17

PARADISE/MAZE

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,580-acre Comprehensive Planning District proposes mixed-use, pedestrian-oriented "Village Residential" development. This Comprehensive Planning District is bounded by the future Dakota Avenue expressway to the west, and the Tuolumne River park to the south.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,580 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD

Supporting commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 8,000 dwelling units.
- (2) Adequate buffering shall be provided between the residential uses and the Business Park uses to the north.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District represents the first increment of urban growth beyond the current General Plan boundary. Significant infrastructure is needed: a "force main" from a West No. 2 Trunk in Stone Avenue at Paradise Road easterly to Paradise Road near Carpenter Road; and a new gravity main easterly and parallel to the West Trunk to the primary treatment plant at the foot of Sutter Avenue.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 8,000 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 1,300 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District shall be determined by the Comprehensive Plan.

PARADISE/MAZE C.P.D.

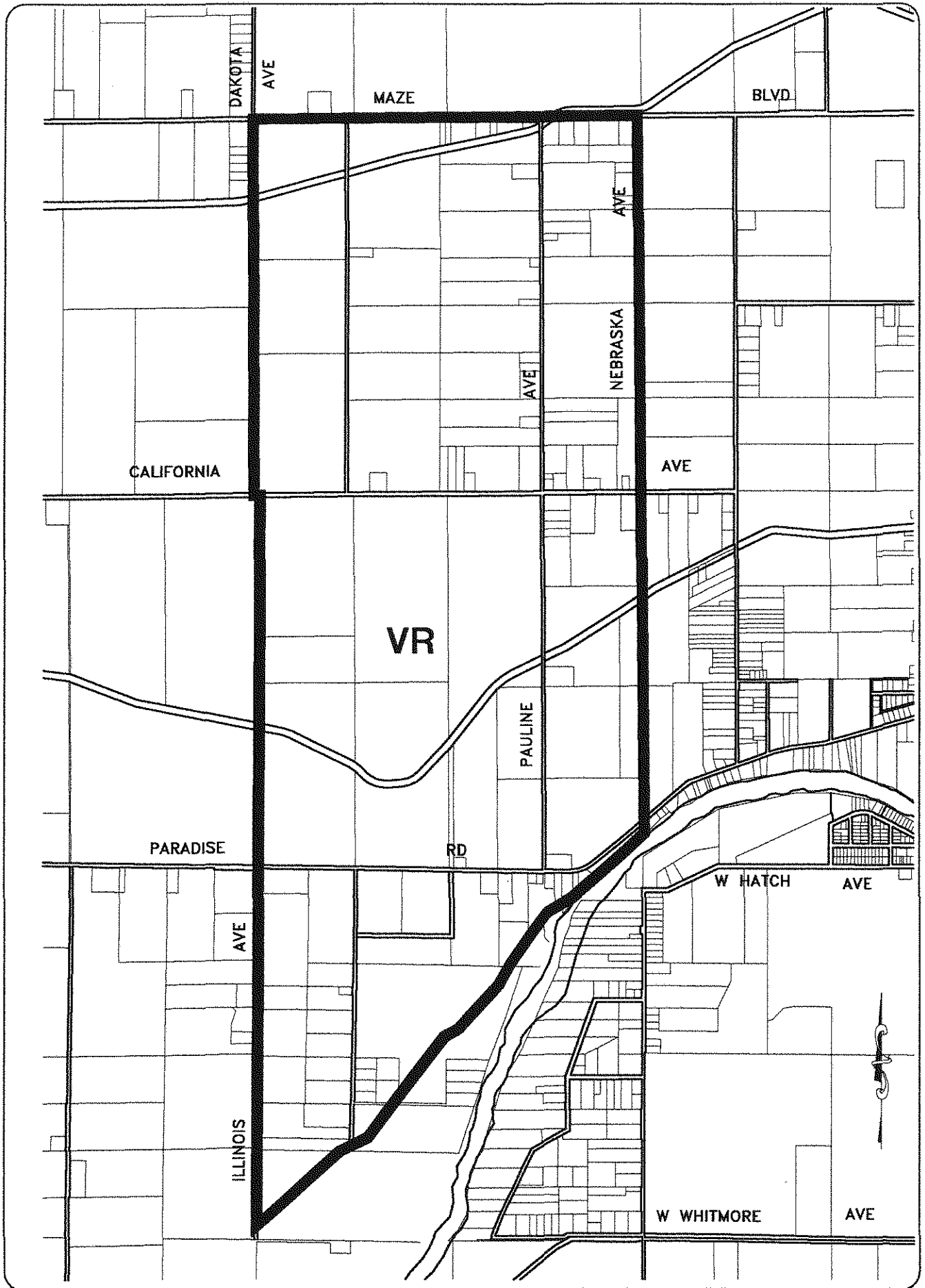


Exhibit III-18

PELANDALE/MCHENRY

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 80-acre Comprehensive Planning District is composed of Residential and Commercial uses, designed to take advantage of access along McHenry Avenue. This Comprehensive Planning District, in conjunction with the Kiernan/McHenry Comprehensive Planning District, may also support future Light Rail Transit along the present Union Pacific Railroad Tracks.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 50 acres designated "Residential"
- 30 acres designated "Regional Commercial"

b. Distribution of Land Uses Within the CPD

The Regional Commercial uses should be located along the West side of McHenry Avenue to join the established commercial uses along McHenry Avenue.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 400 dwelling units.
- (2) The uses in this Comprehensive Planning District should support the future use of light rail along the Union Pacific tracks.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by the North Sanitary Sewer Trunk extension after it passes through these Comprehensive Planning Districts to the west: Kiernan/Carver, Kiernan/McHenry.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 400 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 600 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Residential uses and the Regional Commercial uses will be determined by the Comprehensive Plan.

PELANDALE/MCHENRY C.P.D.

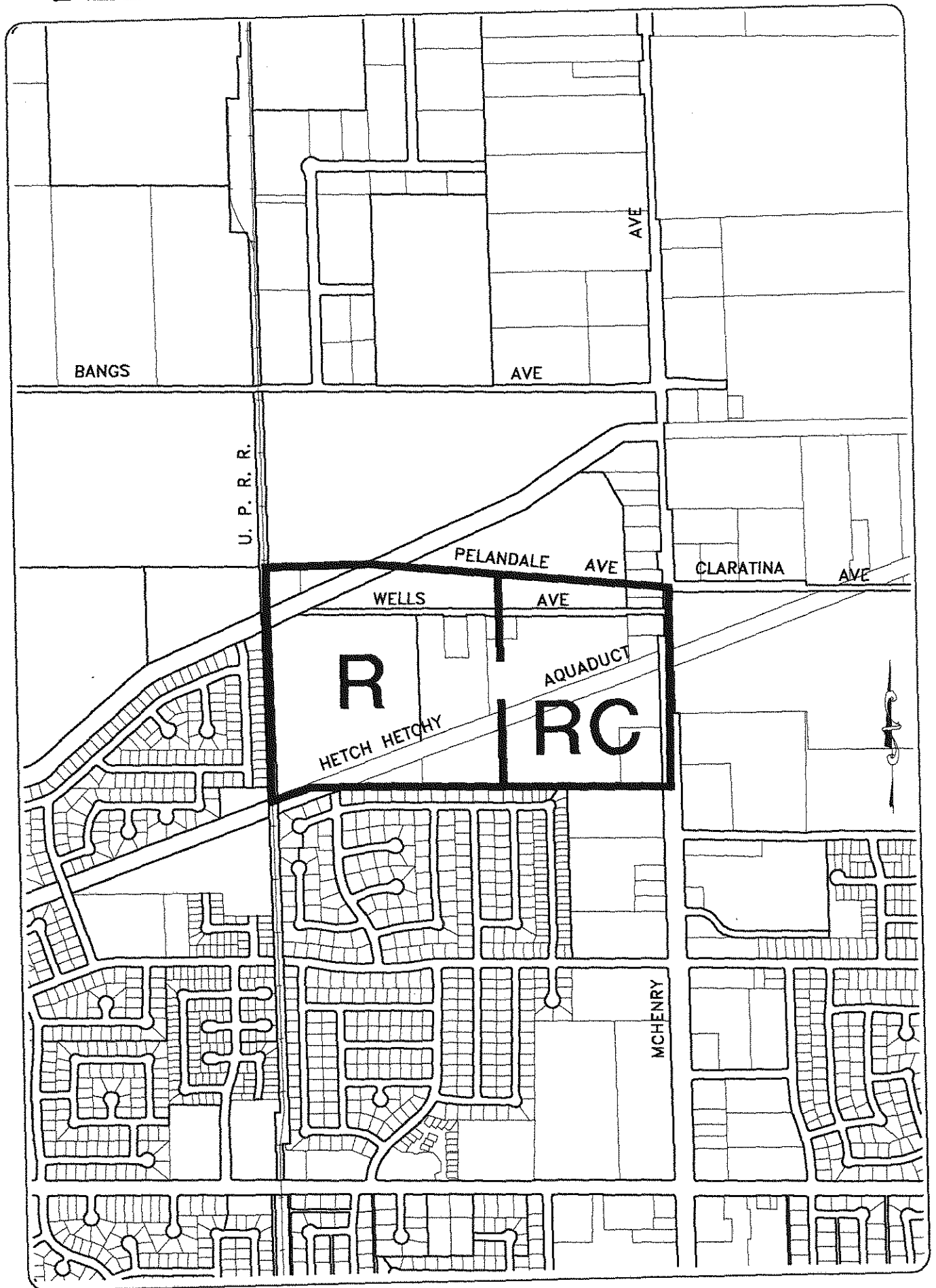


Exhibit III-19

PELANDALE/SNYDER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 390-acre Comprehensive Planning District is essentially an extension of the existing residential south of Snyder Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 390 acres designated "Residential"

b. Distribution of Land Uses Within the CPD

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,800 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served one of two ways: a subtrunk from the North Trunk near Dale Road or extension of the adjacent North Trunk sanitary sewer to serve the Kiernan/Carver Comprehensive Planning District as well as this Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 2,800 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

PELANDALE/SNYDER C.P.D.

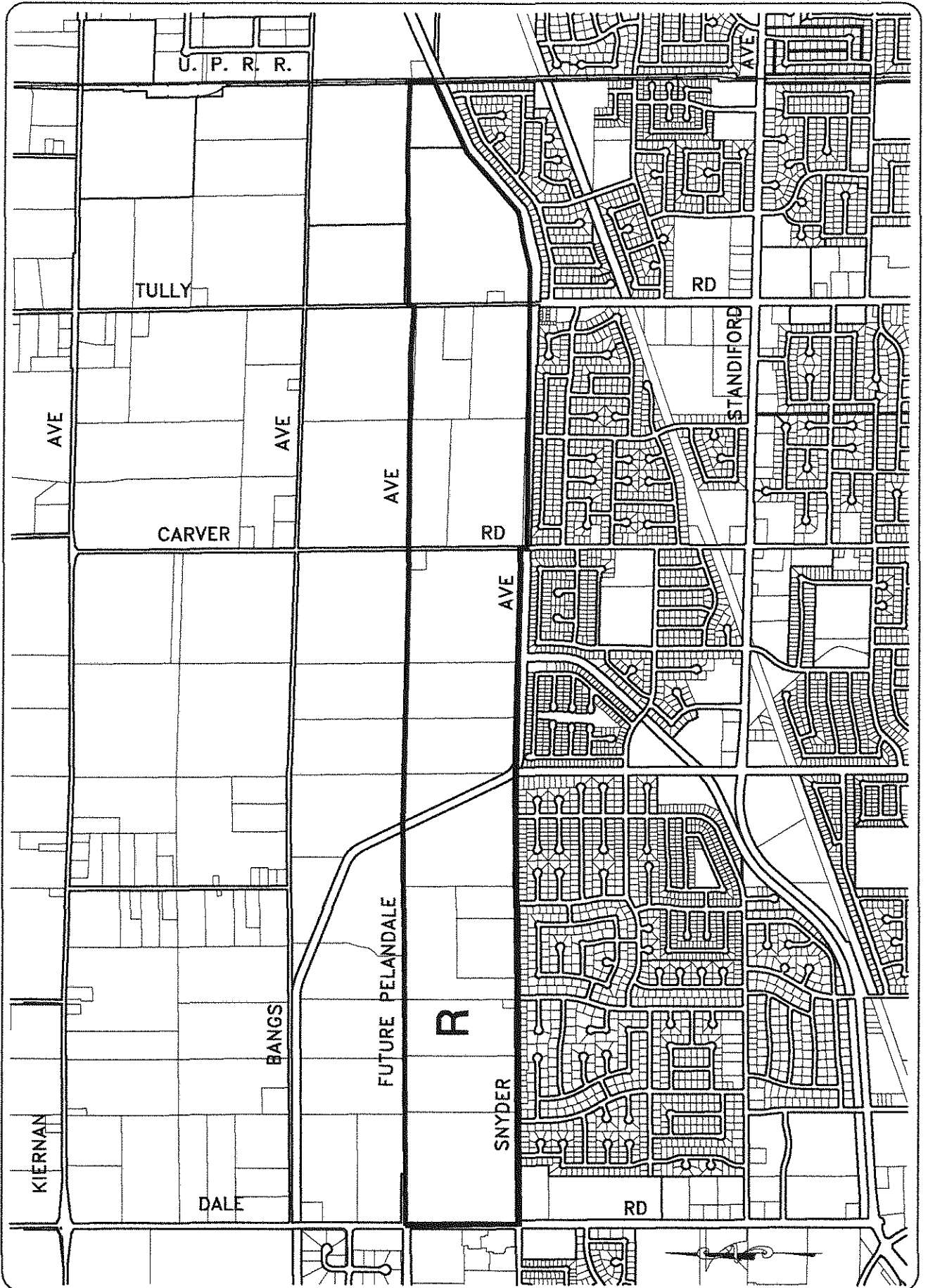


Exhibit III-20

ROSELLE/CLARIBEL

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,700-acre Comprehensive Planning District is intended to create a mixed-use, pedestrian-oriented community similar in nature to Village One. In addition, a business park is proposed adjacent to the Santa Fe Railroad.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,430 acres designated "Village Residential"
- 260 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD

- (1) The Business Park should be located adjacent to the Santa Fe Railroad.
- (2) The supporting commercial uses in this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 7,300 dwelling units.
- (2) Adequate buffering shall be provided between the residential uses and the business park uses in this Comprehensive Planning District.
- (3) Special consideration shall be given in the design of this Comprehensive Planning District and the following edges: the high school site proposed by Village One; the Santa Fe Railroad; and the southern edge of the Riverbank General Plan/Sphere of Influence boundary.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be readily served by extensions of the Roselle and Lakewood Sanitary Sewer Trunks that are adjacent in the Village One Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 7,300 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 10,200 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between the Village Residential uses and the Business Park uses shall be determined by the Comprehensive Plan.

ROSELLE/CLARIBEL C.P.D.

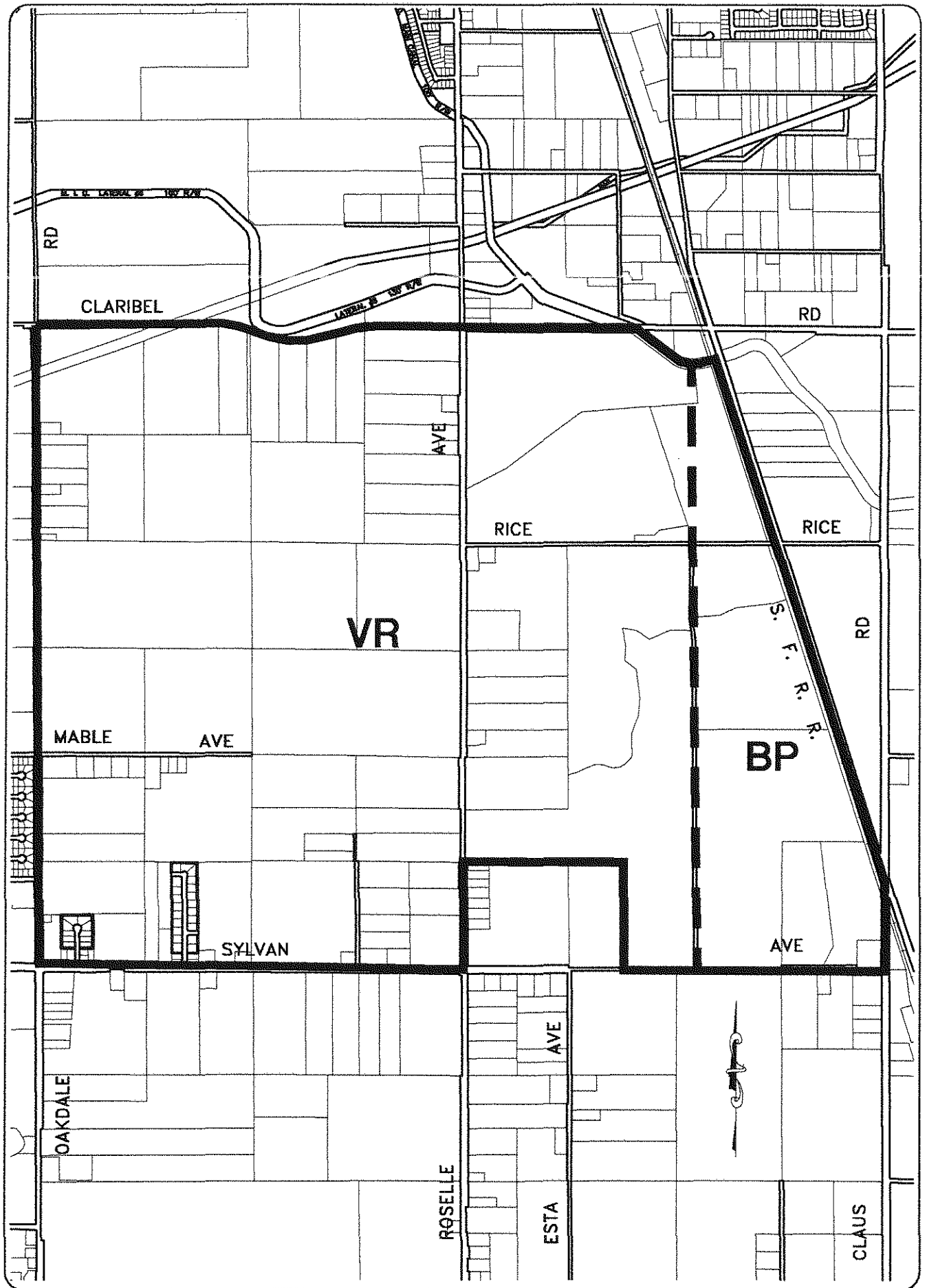


Exhibit III-21

SAUIDA

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,450-acre Comprehensive Planning District is intended to precisely match the land uses adopted by Stanislaus County for the Salida Community Plan. Whether this Comprehensive Planning District complete development in the County, or annexes to the City and complete development, the proposed land uses are the same.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types:

The land uses proposed for this Comprehensive Planning District are exactly the Land Use Designations proposed by the Stanislaus County General Plan for the Salida Community Plan as of January 1, 1995 as follows:

Low Density Residential (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. The intent of this designation is to provide appropriate locations and adequate areas for single-family detached homes, in either conventional or clustered configurations. Single-family detached dwellings are the predominant housing type in areas so designated, and would remain so under this designation. Semi-detached dwellings and manufactured housing would be consistent with this designation.

Zoning. R-A (Rural Residential) and R-1 (Single-Family Residential) zones are appropriate within this designation. PD (Planned Development) zoning may also be appropriate provided the development does not exceed the established building intensity of this designation. The use of the US (Urban Service) combining district in conjunction with any of the above zones would be appropriate for areas adjacent to unincorporated towns so that annexation to and service from the adjoining sanitary sewer district or community services district is required prior to development. Residential building intensity when

served by a community services district or sanitary sewer district and public water district is zero to eight units per net acre. Building intensity for areas not served by public water and sewer service is zero to two units per net acre. Population density ranges from zero to 25 persons per net acre in areas served by public water and sewer and zero to six persons per net acre in other areas. Small second units, as permitted by state law may increase both the building intensity and the population density to a limited degree within this designation.

Appropriate Locations. The Low Density Residential designation is appropriate in established residential areas characterized by single family dwellings. It would also be appropriate in areas: (a) designated by the Board of Supervisors for ranchettes of 1/2 to 1 acre in size if the area is of diminished agricultural importance but capable of supporting rural residential development based on the eight factors to be considered in locating "Estate Residential" land; or (b) adjacent to unincorporated towns which can serve the development after annexation to and service by a sanitary district or community services district."

Medium Density Residential (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. The intent of this designation is to provide appropriate locations for single and multiple family units, primarily in semi-detached or clustered arrangements. Typical housing types would be single family detached manufactured houses, duplexes, triplexes and low-mass multi-family units (townhouses and garden apartments). All lands within this designation shall be within the boundaries of a community services district, sanitary district or similar public district which provides urban services except where such designation existed at the time of adoption of this plan.

Zoning. The R-2 (Duplex Residential) zone is appropriate within this designation. PD (Planned Development) zoning may also be appropriate provided the development does not exceed the established building intensity of this designation. PD zoning which allows sewage generated on site to be metered into the disposal system during non-peak hours are encouraged in communities with limited system capacity. Residential buildings intensity varies from zero to 14 units per net acre. Population density ranges from zero to 45 persons per net acre.

Appropriate Locations. The Medium Density Residential designation would be appropriate in areas adjacent to unincorporated towns where the Board of Supervisors has determined, pursuant to a community plan, that medium density residential use is needed. These areas will be developed only after annexation to and service by a sanitary district or community services district."

Medium High Density Residential (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. The intent of this designation is to provide appropriate locations for housing types including duplexes, triplexes, fourplexes, and apartment buildings. This designation shall be within the boundaries of a community services district, sanitary district or similar public district which provides urban services.

Zoning. The R-3 (Multiple-Family Residential) zone is appropriate within this designation. PD (Planned Development) zoning may also be appropriate provided the development does not exceed the established building intensity of this designation. PD zoning which allows sewage generated on site to be metered into the disposal system during non-peak hours is encouraged in communities with limited system capacity. Residential building intensity varies from zero to 25 units per net acre. Population density ranges from zero to 85 persons per net acre.

Appropriate Locations. The Medium High Density Residential designation is appropriate in established residential areas characterized by duplexes, triplexes, fourplexes, and apartment buildings. It would also be appropriate in areas adjacent to unincorporated towns where the Board of Supervisors has determined, pursuant to a community plan, that medium high density residential use is needed. These areas will be developed only after annexation to and served by a sanitary district or community services district."

Commercial (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. The intent of this designation is to indicate areas best suited for various forms of light or heavy commercial uses, including, but not limited to, retail, service and wholesaling operations. The County has one designation to correspond to the various commercial zoning districts. This designation is intended for lands which demonstrate a valid supportive relationship to other existing or projected urban development.

Zoning. C-1 (Neighborhood Commercial), C-2 (General Commercial), and H-1 (Highway Frontage Commercial) zones shall be considered consistent with this designation. PD (Planned Development) zoning may also be appropriate provided the development does not exceed the established building intensity of this designation. The building intensity shall be determined by Zoning Ordinance development standards for setback, landscaping, height, parking and other requirements except that residential building intensity shall not exceed 25 units per net acre. In no case shall buildings exceed 75 feet in height nor shall they cover so much of the lot that insufficient area remains for parking,

landscaping, etc. In commercial zones which allow dwelling units, population density can range from zero to 85 persons per net acre.

Appropriate Locations. The Commercial designation is appropriate in areas already committed to commercial use. In unincorporated towns this designation is appropriate for Central Business Districts and other areas within the sanitary sewer or community services district in sufficient amount to serve the needs of the community. Areas adjacent to community services district may also be appropriate if the US (Urban Service) combining zone is utilized."

Industrial (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. The intent of this designation is to indicate areas for various forms of light or heavy industrial uses, including, but not limited to, manufacturing and warehousing. Generally, the Industrial designation shall be used in areas where public sewer and water is available or where the restrictions of the Planned Industrial designation is inappropriate. The Planned Industrial designation shall be used instead of the Industrial designation unless (a) the property to be designated is intended for a single-use applicant not permitted in the Planned Industrial designation and needing a very large site (see discussion under DESIGNATING NEW INDUSTRIAL AREAS (Page 38) or, (b) the property is adjacent to an existing industrial area which is reaching capacity and whose services can be extended to serve the expansion.

Zoning. The LM (Limited Industrial, M (Industrial), and PI (Planned Industrial) zones shall be consistent with this designation. PD (Planned Development) zoning may also be appropriate provided the development does not exceed the established building intensity of this designation. Building intensity is governed by the fact that the Zoning Ordinance prohibits more than 75% coverage of the property by buildings. Buildings for human occupancy shall not exceed 75 feet in height. Population density is almost nonexistent as only one residential unit per parcel is allowed and then only if it is secondary to the industrial use of the property.

Existing Locations. Nearly all existing industrial areas are within or adjacent to the sphere of Influence of a City or special district which serves an unincorporated town. Only one...west of McHenry.

Designating New Industrial Areas. The amount of land designated as Industrial in the County has changed very little in the past 10 years, decreasing slightly during a five year period from 1979 to 1984 by about 6.9%. Most of this decrease has been through annexation to cities. Although a great deal of land is still available for industrial development, more than 70% is located in the Beard Tract.

The criteria listed below shall be used in evaluating potential areas, both for general Industrial designation and for designating sites for industries that need very large sites. There are few industries with the need for extremely large parcels but they do exist. It is not practical to designate a large industrial area because a large amount of land might lay idle for an extended period of time. If an industry requiring a large site approaches the County or if more industrial sites are needed, the following criteria shall be used in determining whether or not a site is suitable for being designated Industrial:

- a. **Access.** The proposed site should have adequate access to handle the type and quantity of traffic associated with industrial uses without impacting existing facilities. This shall usually mean that the area will be located on a major road at a minimum, with location on a state highway preferred.
- b. **Sewage disposal.** Public sanitary sewer service should be available and a written commitment for service received. (Lands suitable for industrial development but without public sanitary sewer service should more appropriately be designated Planned Industrial.)
- c. **Water.** An adequate supply of potable water should be available for industrial usage including water needed for fire suppression. Generally this will require a public water supply in order to meet fire flow standards.
- d. **Infrastructure.** Other utilities (such as natural gas, electricity) shall be reasonably available to the site as might be required by the proposed uses.
- e. **Topography.** The site is physically suitable for industrial development.
- f. **Williamson Act and other constraints to development.** The site should be free from constraints such as valid Williamson Act Contracts that would inhibit rezoning and development of the area.
- g. **Conflicts.** The proposed site development shall not cause land use conflicts with surrounding properties. From this viewpoint, expansion of existing areas is more desirable than designating totally new areas.
- h. **City General Plan Land Use Designation.** Any new areas proposed for industrial designation shall not be inconsistent with the General Plan of any City in whose Sphere of Influence they life."

Planned Industrial (as defined in the Stanislaus County General Plan as of January 1 1995)

"Intent. The intent of this designation is to provide locations for light industrial development. Such locations may be so designated on the initiative of the county or may be requested by a property owner or group of property owners. The Planned Industrial designation shall be preferred to the Industrial designation as it allows more control of development to ensure that impacts on adjoining properties are reduced. It shall be used largely in areas without public sewer and/or water service but shall only be used if it is practical, both physically and financially to provide sewage disposal and water service as needed by the proposed development.

Zoning. Building intensity will be determined by the County on an individual basis, depending upon the nature and location of the proposed planned development. However, no buildings shall cumulatively occupy more than 70% of the area of any parcel. Population density is almost nonexistent as only one residential unit per parcel is allowed if it is secondary to the industrial use of the property. The A-2 (Exclusive Agriculture), PI (Planned Industrial), PD (25), PD (30), PD (43), PD (77), PD (88) and PD (126) zones shall be consistent with this designation.

Annexation. Areas designated Planned Industrial on the General Plan and rezoned for development which are located within the adopted Sphere of Influence of a city shall include the requirement that an agreement be signed in a form satisfactory to the City Attorney of the affected city and Stanislaus County Counsel guaranteeing that the property on which the planned industrial designation is applicable will be annexed to the affected city upon demand by the city and with the approval of the Stanislaus County Board of Supervisors.

Appropriate Locations. Appropriate locations for the Planned Industrial designation shall be based on the same criteria as used for designating new Industrial areas. The Planned Industrial designation shall be more appropriate than Industrial in locations with limited or no sanitary sewer capacity or in other locations where restricting the permitted uses is desirable. Based on these criteria, the following two areas have been designated Planned Industrial.

- a. 282 acres on the east side of Highway 99 between the Hammett Road and Pelandale Avenue interchanges, and
- b. 183.31 acres on the south side of Kiernan Avenue, west of McHenry Avenue."

Planned Development (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. The Planned Development designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property.

Zoning. Land within a Planned Development designation should be zoned A-2 (Exclusive Agriculture) until development occurs through Planned Development zoning. A PD (Planned Development) zone (which, with the A-2 zone, are the only zoning districts consistent with this designation) is applied through application and submission of specific development plans. Building intensity and population density would be determined by the County on an individual basis, depending upon the nature and location of the proposed planned development.

Appropriate Locations. The Zoning Ordinance indicates that all applications for planned development should be consistent with the General Plan. The following are considered to be valid uses of the planned development designation consistent with the intent of this element.

- a. Application for uses of unique character (not otherwise allowed as proposed in other zoning districts) for which findings can be made as to the appropriateness of the location and the absence of detrimental effect to the surrounding area.
- b. Applications falling within an area designated by this element as a Planned Development area, subject to those resolutions within the appendix of this element that define special policy for planned development uses in the following area:
 - (1)...
 - (2)...
 - (3)..."

Highway Commercial Planned Development (as defined in the Stanislaus County General Plan as of January 1, 1995)

"Intent. This designation is intended for land located at freeway interchanges where it is necessary to provide services to highway travelers.

Zoning. Land within this designation shall be zoned for Exclusive Agriculture (A-2) until rezoned to Planned Development (PD). Population density and building intensity will be will be determined on a case by case basis.

Uses within this designation shall be limited to the following as principle uses:

- Truck Stops
- Restaurants
- Motels
- Service Stations
- Overnight R.V. Camping
- Fruit Stands

The following uses may be permitted, but only when accessory to use uses listed above:

- Towing Service
- Minor Emergency Automobile Repair
- Convenience Market
- Wine Tasting

Appropriate Locations. The Highway Commercial Planned Development designation is appropriate only for parcels adjacent to a freeway interchanges. No property shall be designated Highway Commercial Planned Development and rezoned PD unless findings are made that the change will not be detrimental to the agricultural value of the surrounding property and that the subject property is of diminished agricultural importance."

b. Distribution of Land Uses Within the CPD:

The distribution of the above land uses in this Comprehensive Planning District shall be as presented in the Stanislaus County General Plan for the Salida Community Plan as of January 1, 1995, as shown in Figure III.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

None.

c. Housing Policy Implementation:

Any County Housing Policies applicable to the Salida Community Plan, prior to the adoption of the Comprehensive Plan, shall be incorporated into the Comprehensive Plan.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District is currently served by the Salida Sanitary Sewer District.

6. Focused EIR:

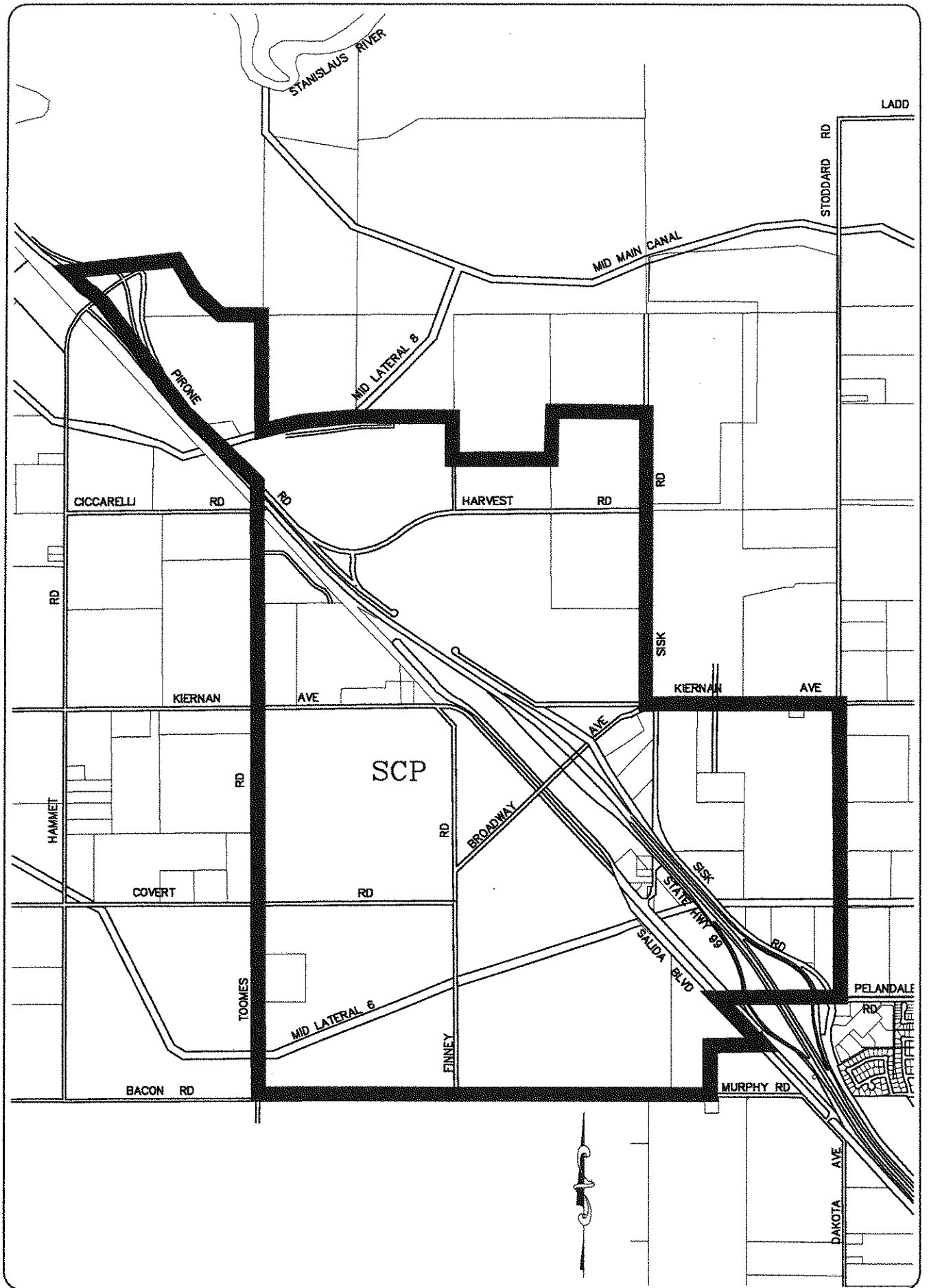
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. The County's traffic model, which assumed buildout of the Salida Community Plan at 2015, was used as the basis for traffic modeling for this Comprehensive Planning District in the Master EIR. Because Salida is expected to build out by the year 2015, this assumption is also valid for the 2025 buildout of the General Plan.

7. Special Considerations Unique to this Comprehensive Planning District:

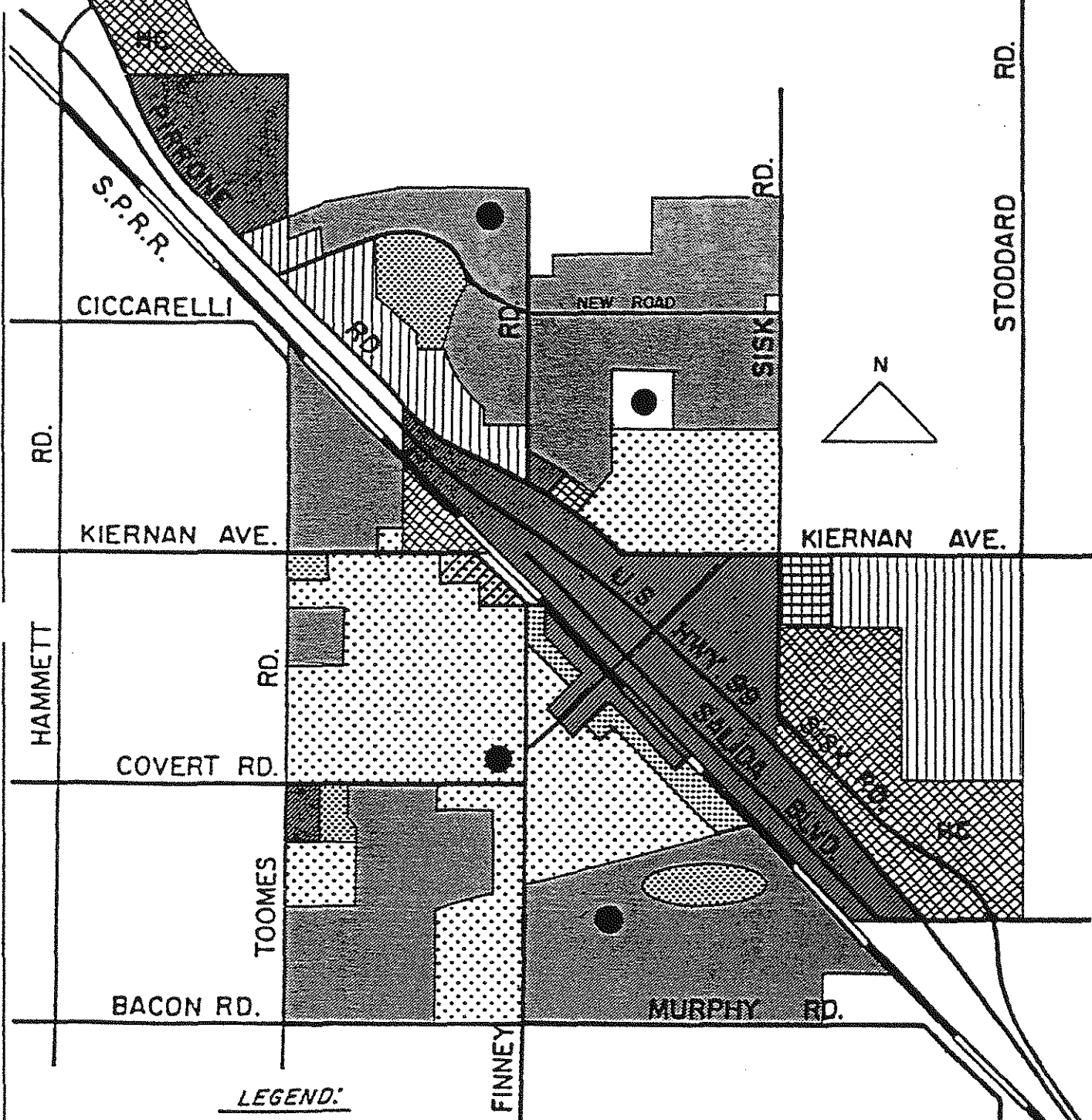
The Salida Community Plan provides sufficient guidance for future land use. A Mello-Roos Community Facilities District was adopted in 1988, covering much of the property in the Salida Community Plan.

SALIDA C.P.D.



SALIDA

COMMUNITY PLAN



LEGEND:











- | | | |
|---|---|---|
|  AGRICULTURE |  MED. HIGH DENSITY RESIDENTIAL |  PLANNED DEVELOPMENT |
|  LOW DENSITY RESIDENTIAL |  COMMERCIAL |  PLANNED INDUSTRIAL |
|  LOW DENSITY RESIDENTIAL (WITHIN PROJECT BOUNDARY) |  INDUSTRIAL |  SCHOOL SITES |
| |  MED. DENSITY RESIDENTIAL | HC HIGHWAY COMMERCIAL |

Exhibit III-23

STANISLAUS RIVER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 770-acre Comprehensive Planning District is intended to provide for a regional park along the Stanislaus River, extending south as far as Ladd Road.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 770 acres designated "Open Space"

b. Distribution of Land Uses Within the CPD:

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed, as provided by the Open Space Land Use Designation presented in Section III-B.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served with sanitary sewer from the adjacent Stoddard Comprehensive Planning District.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 80 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

- a. The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
- b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.

STANISLAUS RIVER C.P.D.

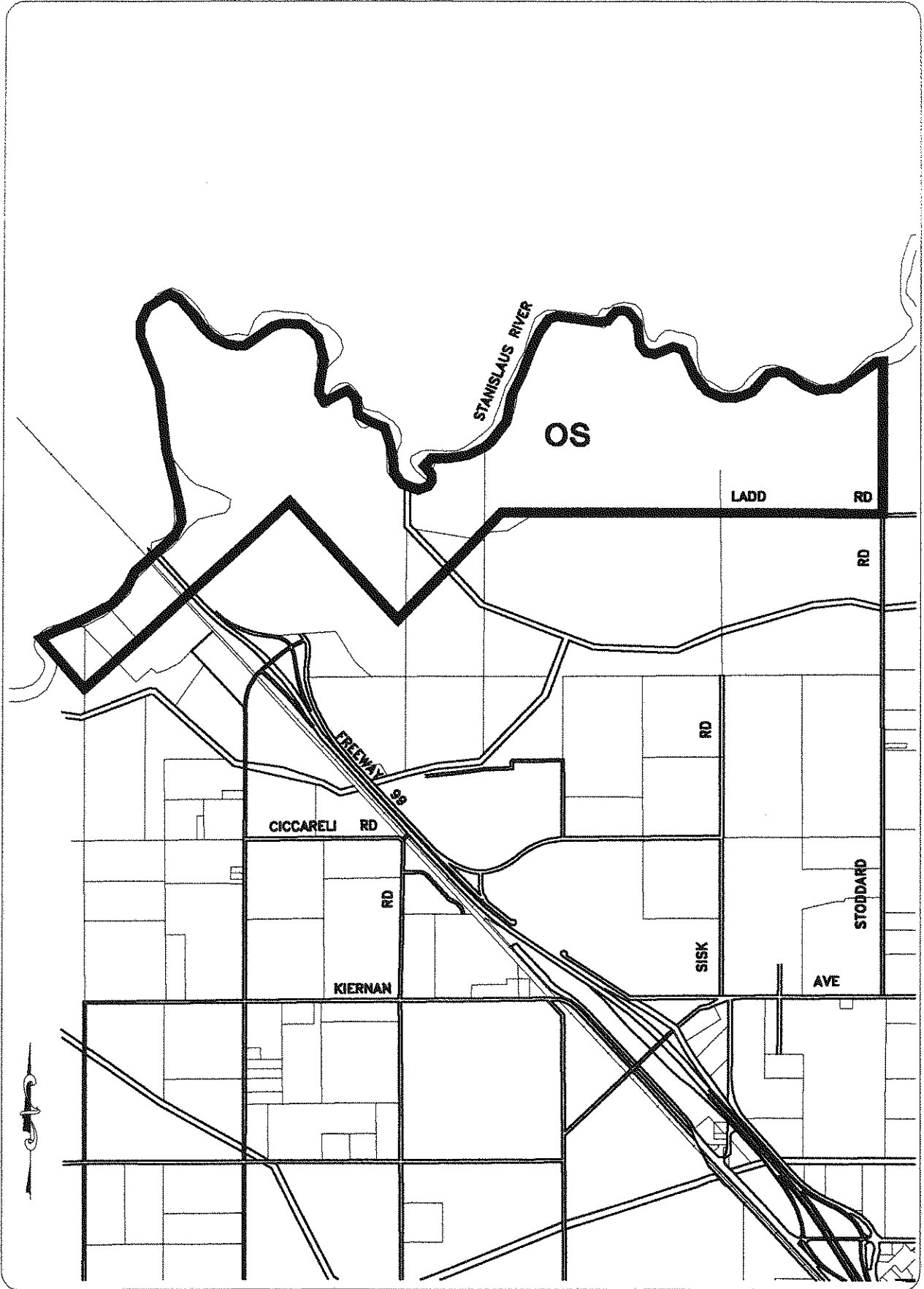


Exhibit III-24

STODDARD

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 900-acre Comprehensive Planning District proposes a mixed-use pedestrian-oriented "Village" south of the Stanislaus River park, and a business park along Stoddard Road.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 520 acres designated "Village Residential"
- 380 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD:

The Support Commercial uses in the Village Residential portion of this Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 2,700 dwelling units.
- (2) Adequate buffering should be provided between the proposed Business Park and the proposed Village Residential uses.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District can be served by a westerly extension of the North Sanitary Sewer Trunk. However, downstream capacity in the system cannot accommodate the Highway 99 Comprehensive Planning District and Stoddard Comprehensive Planning District and the planned easterly extension to serve the City's north end. At some point, the westerly leg of the North Trunk will have to be served by the West No. 2 Trunk and a force main and trunk to the primary treatment plant.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 2,700 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 13,700 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

STODDARD C.P.D.

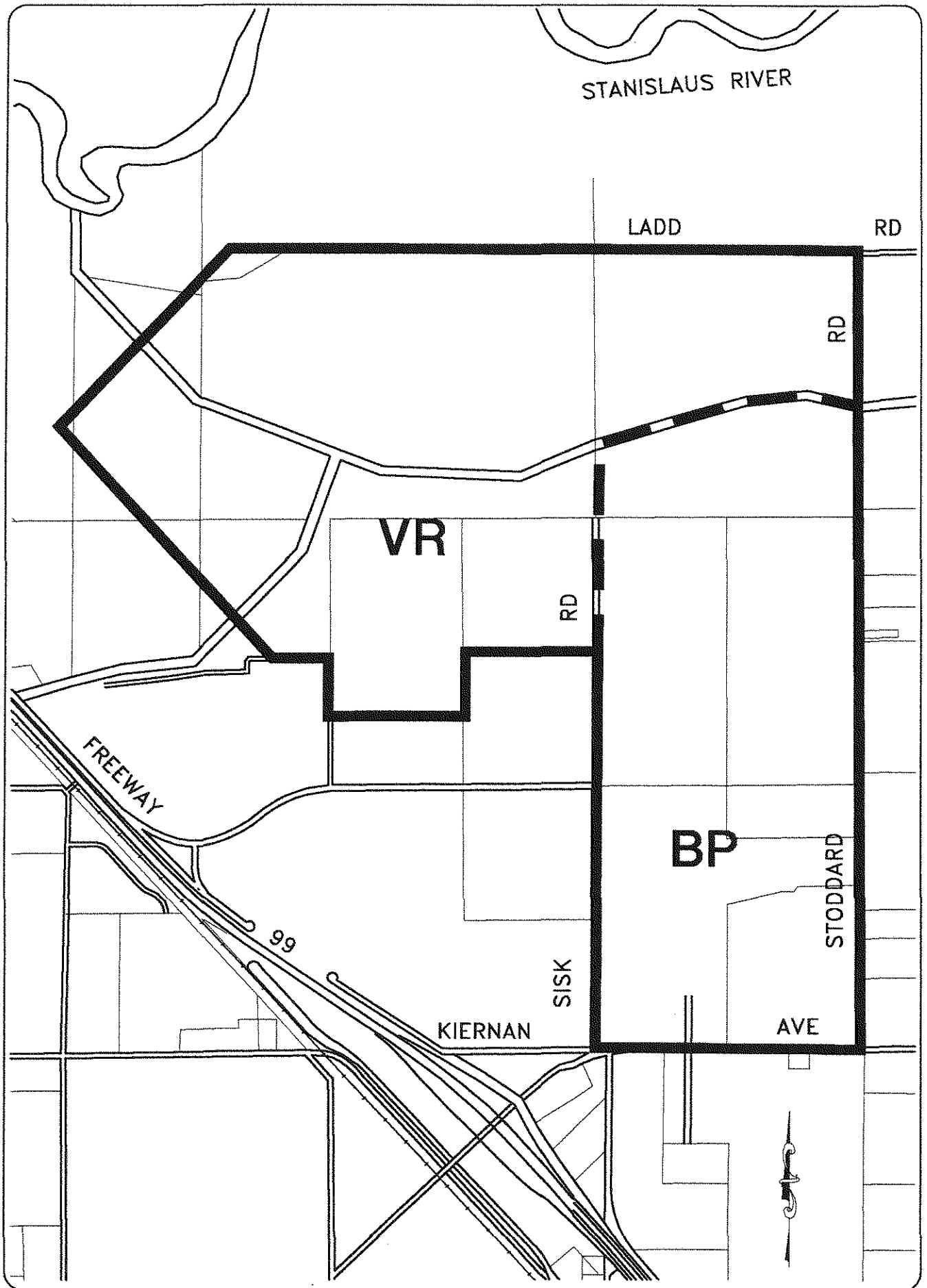


Exhibit III-25

TUOLUMNE RIVER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,780-acre Comprehensive Planning District contains a significant amount of public land, owned by a joint powers agreement between the cities of Modesto, Ceres, and Stanislaus County. A linear park is anticipated in this Comprehensive Planning District.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,780 acres designated "Open Space"

b. Distribution of Land Uses Within the CPD:

Not applicable, as there is only one land use proposed.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

(1) Overall Land Use Policies (Section III-C(1))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) This Comprehensive Planning District anticipates a public park. Prior to acquiring parcels, interim residential uses may be allowed, as provided by the Open Space Land Use Designation presented in Section III-B.

c. Housing Policy Implementation:

Because this Comprehensive Planning District does not propose any residential uses, the Housing Policies presented in Chapter IV do not apply to this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will take its sanitary sewer service from adjacent Comprehensive Planning Districts.

6. Focused EIR:

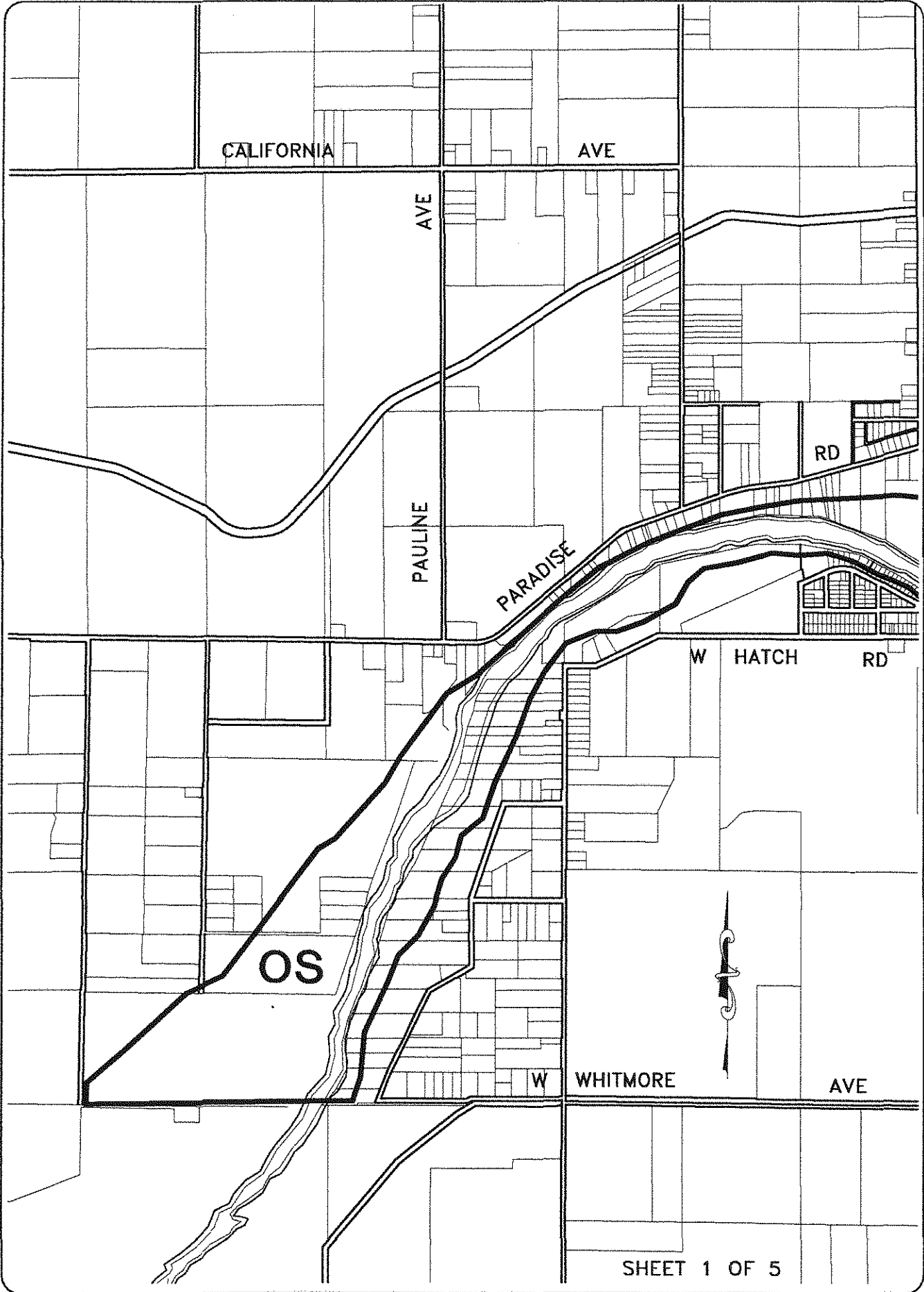
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 180 dwelling units was assumed for this Comprehensive Planning District.

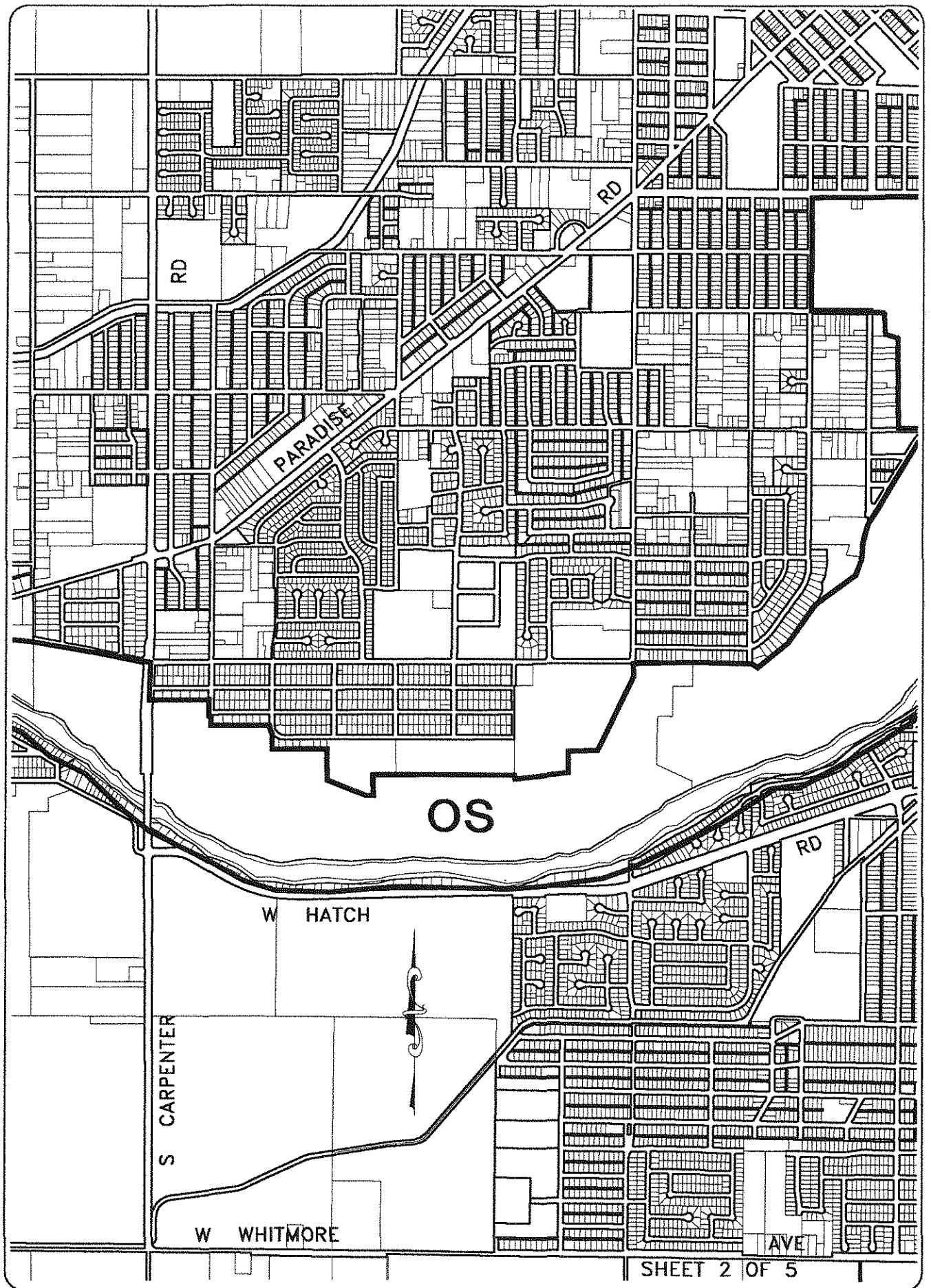
7. Special Considerations Unique to this Comprehensive Planning District:

- a. The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.
- b. The preparation of a Park Master Plan for the regional park shall suffice as the Comprehensive Plan for this Comprehensive Planning District.

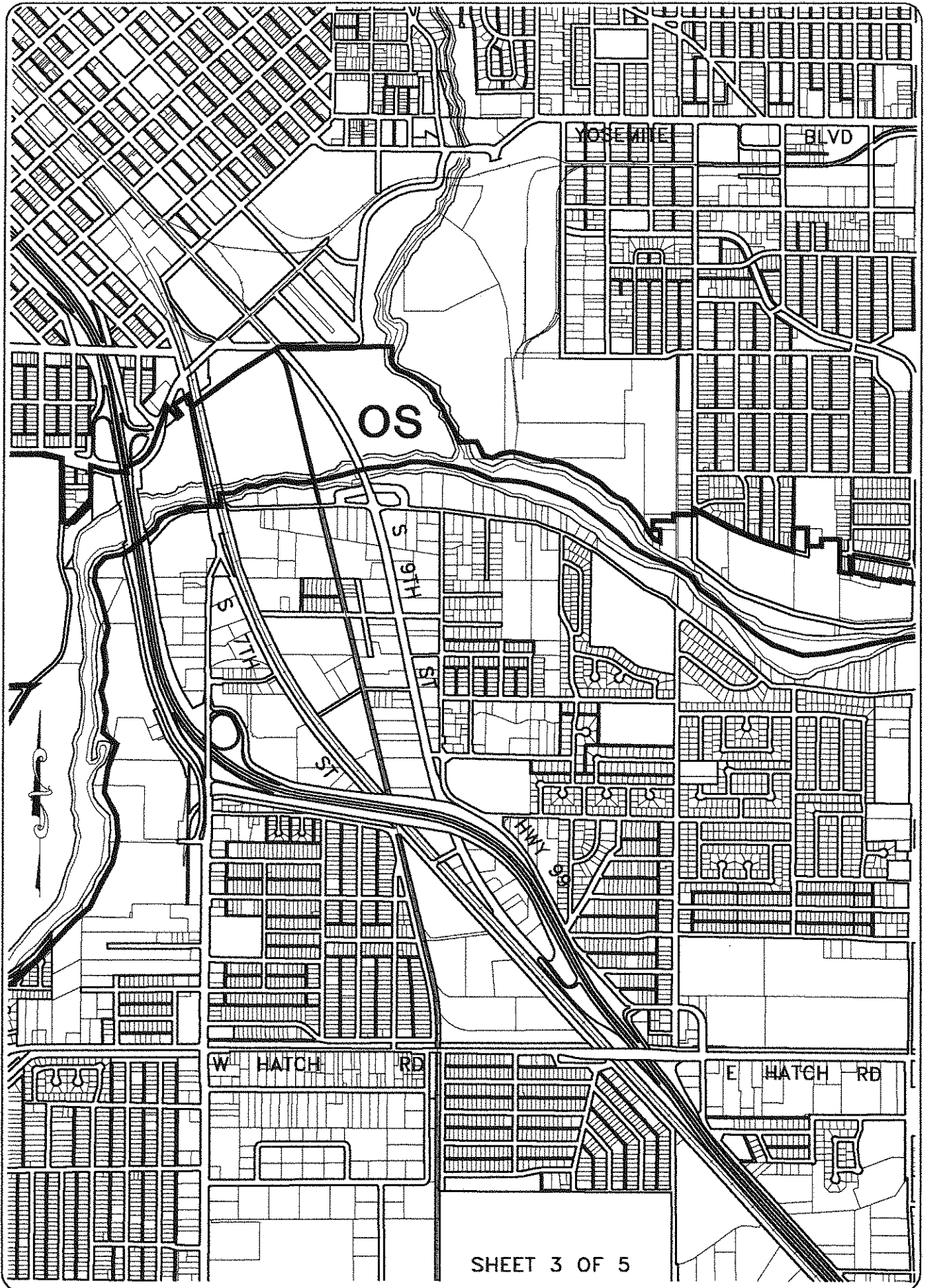
TUOLUMNE RIVER C.P.D.



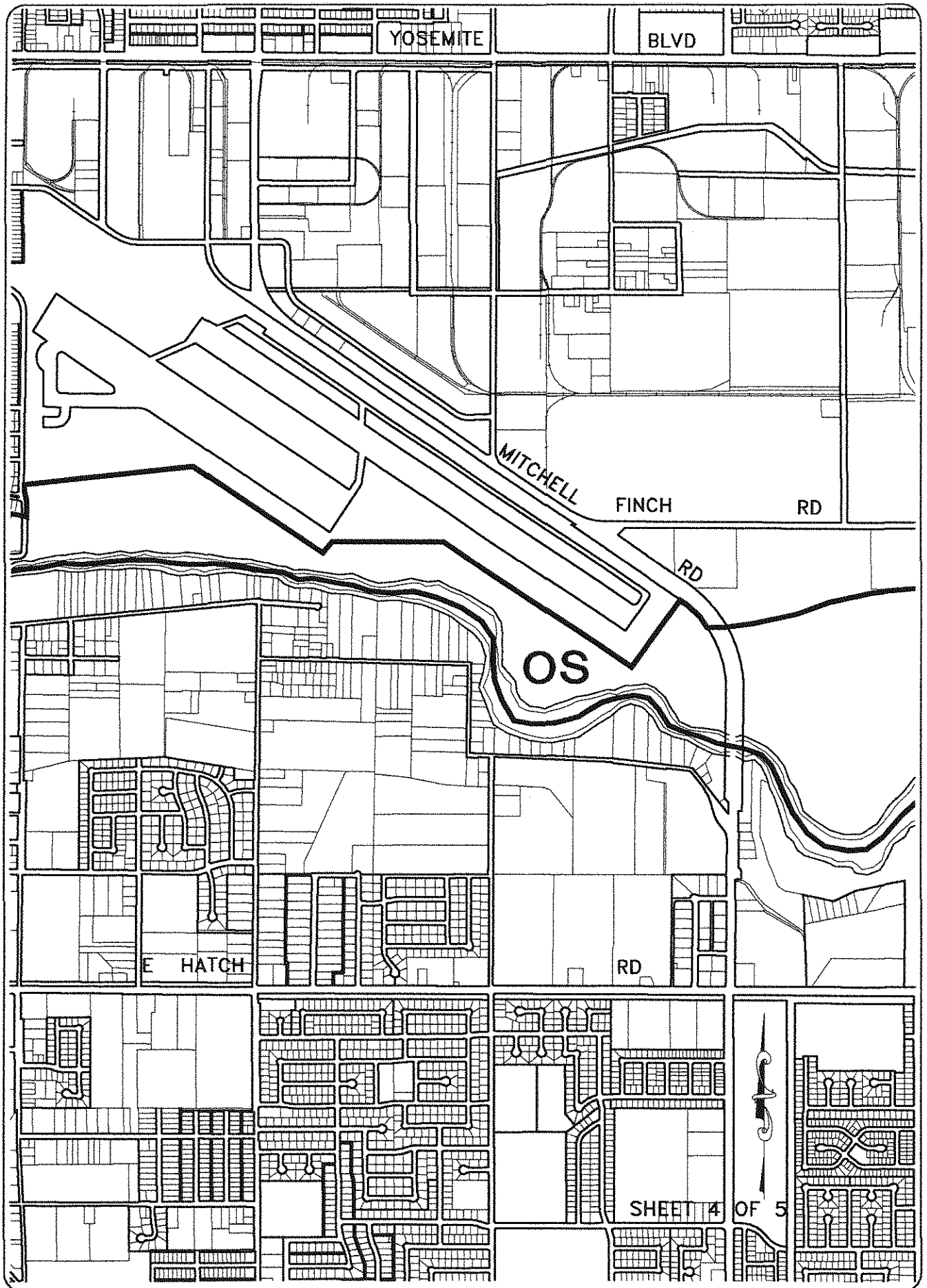
TUOLUMNE RIVER C.P.D.



TUOLUMNE RIVER C.P.D.



TUOLUMNE RIVER C.P.D.



TUOLUMNE RIVER C.P.D.

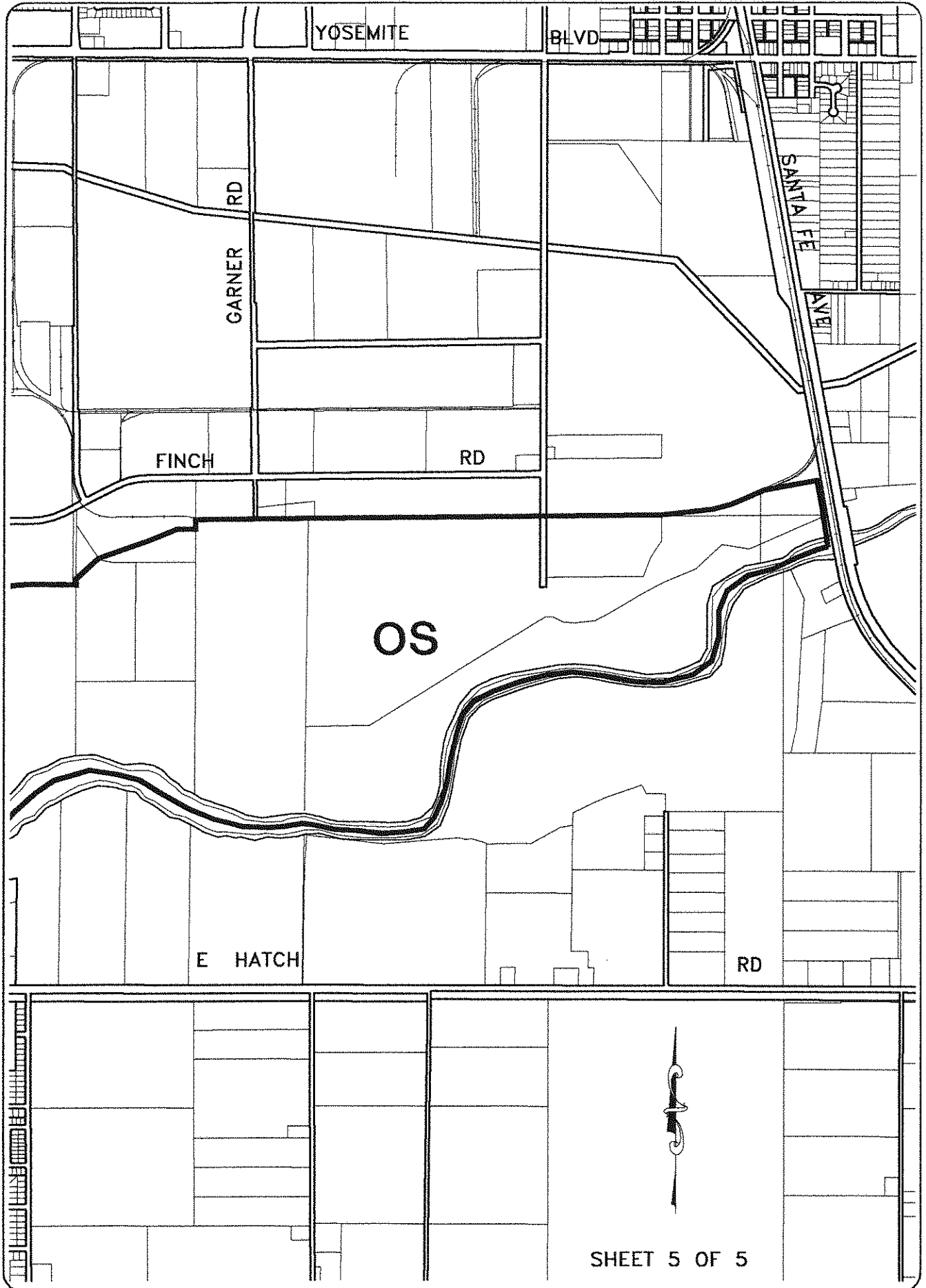


Exhibit III-26

VILLAGE ONE

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 1,840-acre Comprehensive Planning District is intended to reflect the Village One Specific Plan, as adopted by the City Council in 1990, and amended several times since then. The proposed residential neighborhoods are centered around public uses such as parks and schools.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 1,620 acres designated "Village Residential"
- 220 acres designated "Business Park"

b. Distribution of Land Uses Within the CPD:

- (1) The Village Center should be located at the intersection of Roselle Avenue and Floyd Avenue to facilitate pedestrian access from the residential areas of the Comprehensive Planning District.
- (2) The Business Park should be sited east of Claus Road to take advantage of the proposed Claus Road expressway and the proposed Amtrak Station on the Santa Fe Railroad.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 8,000 dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. The Roselle and Lakewood Sanitary Sewer Trunks have been extended to serve this area.

6. Focused EIR:

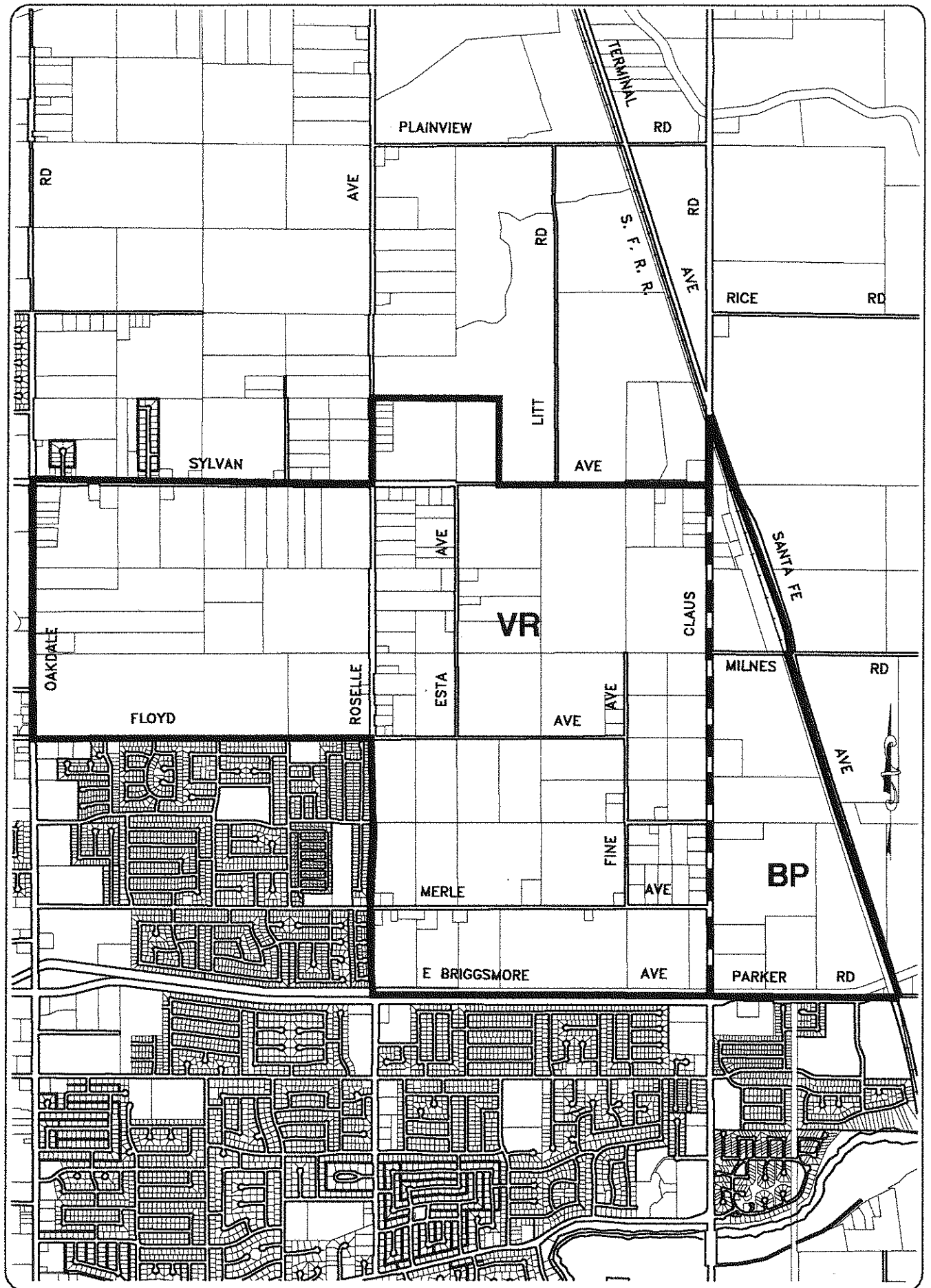
The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of 8,000 dwelling units was assumed for this Comprehensive Planning District.
- b. A total of 9,000 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The Village One Specific Plan, as adopted in 1990 and amended from time to time, shall suffice as the Comprehensive Plan for this Comprehensive Planning District.

VILLAGE ONE C.P.D.



WHITMORE/CARPENTER
COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 850-acre Comprehensive Planning District located south of the Tuolumne River proposes predominantly "Village Residential" uses.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 850 acres designated "Village Residential"

b. Distribution of Land Uses Within the CPD:

Support commercial uses in this Comprehensive Planning District should be located to facilitate pedestrian access from the residential areas.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 4,300 dwelling units.

(2) The landfill located in this Comprehensive Planning District presents a significant design constraint. This constraint should be addressed in the Comprehensive Plan.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District will be served by a new South No. 2 Sanitary Sewer Trunk over Tuolumne River to the primary treatment plant at the foot of Sutter Street.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

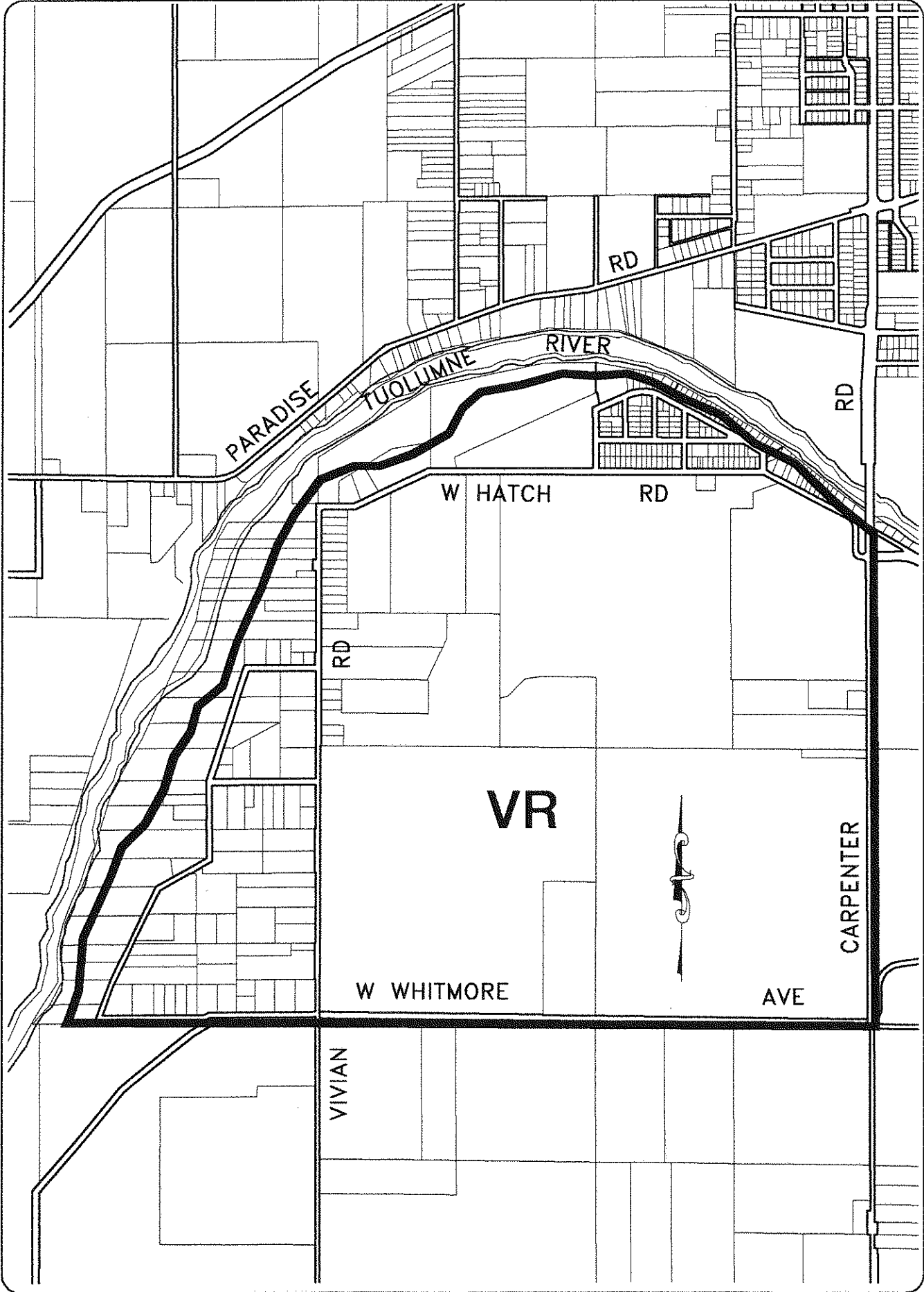
a. A total of 4,300 dwelling units was assumed for this Comprehensive Planning District.

b. A total of 700 employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundary between this Comprehensive Planning District and the Tuolumne River Comprehensive Planning District shall be determined by the Comprehensive Plan.

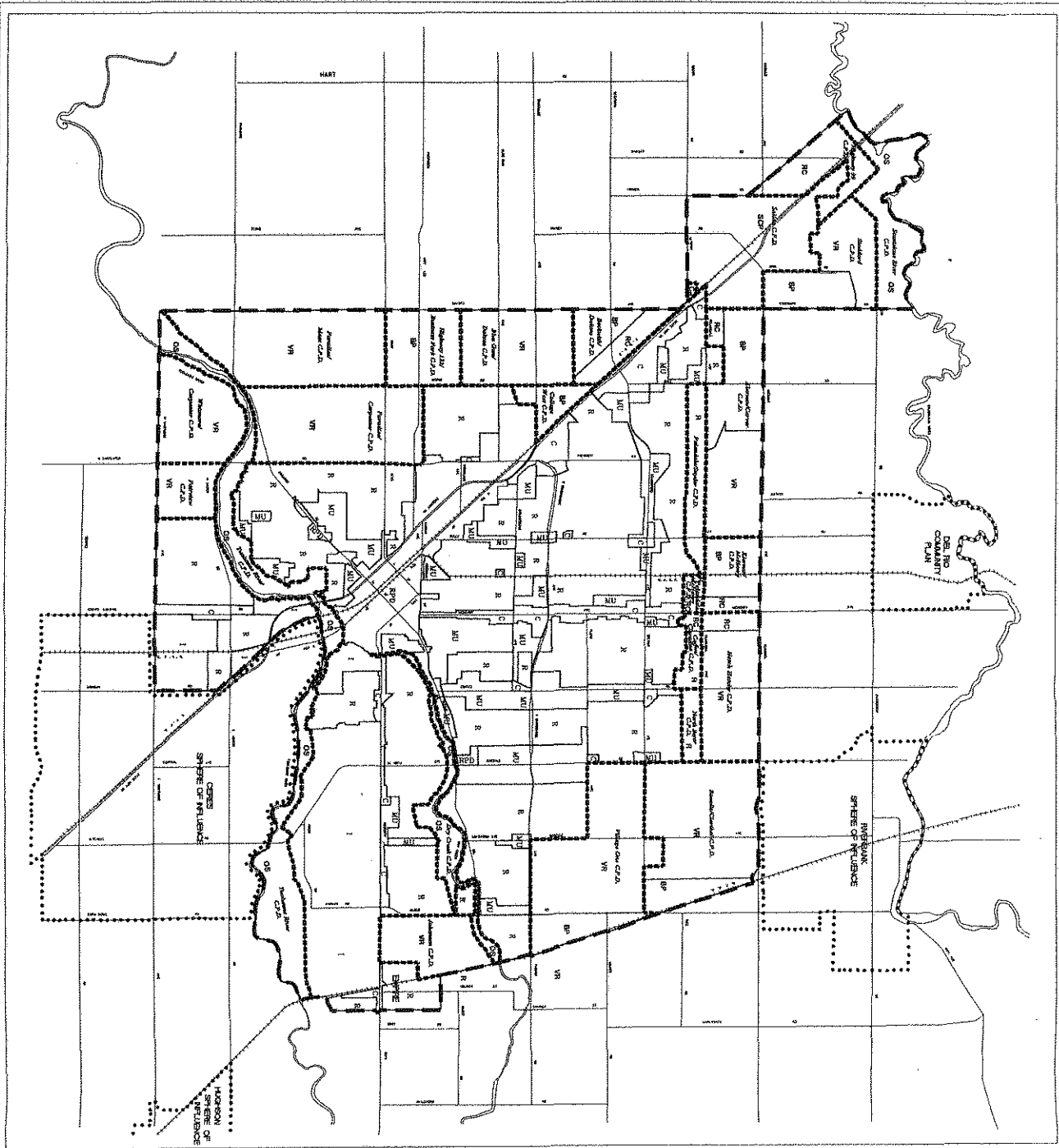
WHITMORE/CARPENTER C.P.D.





CITY OF MODESTO
GENERAL PLAN PROGRAM

FIGURE III-1
LAND USE DIAGRAM
Planning Commission Recommendation



LEGEND

- LEGEND
- RESIDENTIAL
 - R Residential
 - MU Medium Density Residential
 - C Commercial
 - I Industrial
 - 2000 Development Planning District
 - VR Village Residential
 - RC Regional Commercial
 - BP Business Park
 - OS Open Space
 - SCP2 Land Use Designation of the State Community Plan

- BOUNDARIES
- UNINCORPORATED CITY LIMITS
 - UNINCORPORATED COUNTY LIMITS
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY

- BOUNDARIES
- UNINCORPORATED CITY LIMITS
 - UNINCORPORATED COUNTY LIMITS
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY
 - UNINCORPORATED PLANNING DISTRICT BOUNDARY



Scale: 1 inch = 1 mile

LAND USE DESIGNATIONS IN THE REDEVELOPMENT AREA

Figure III - 2

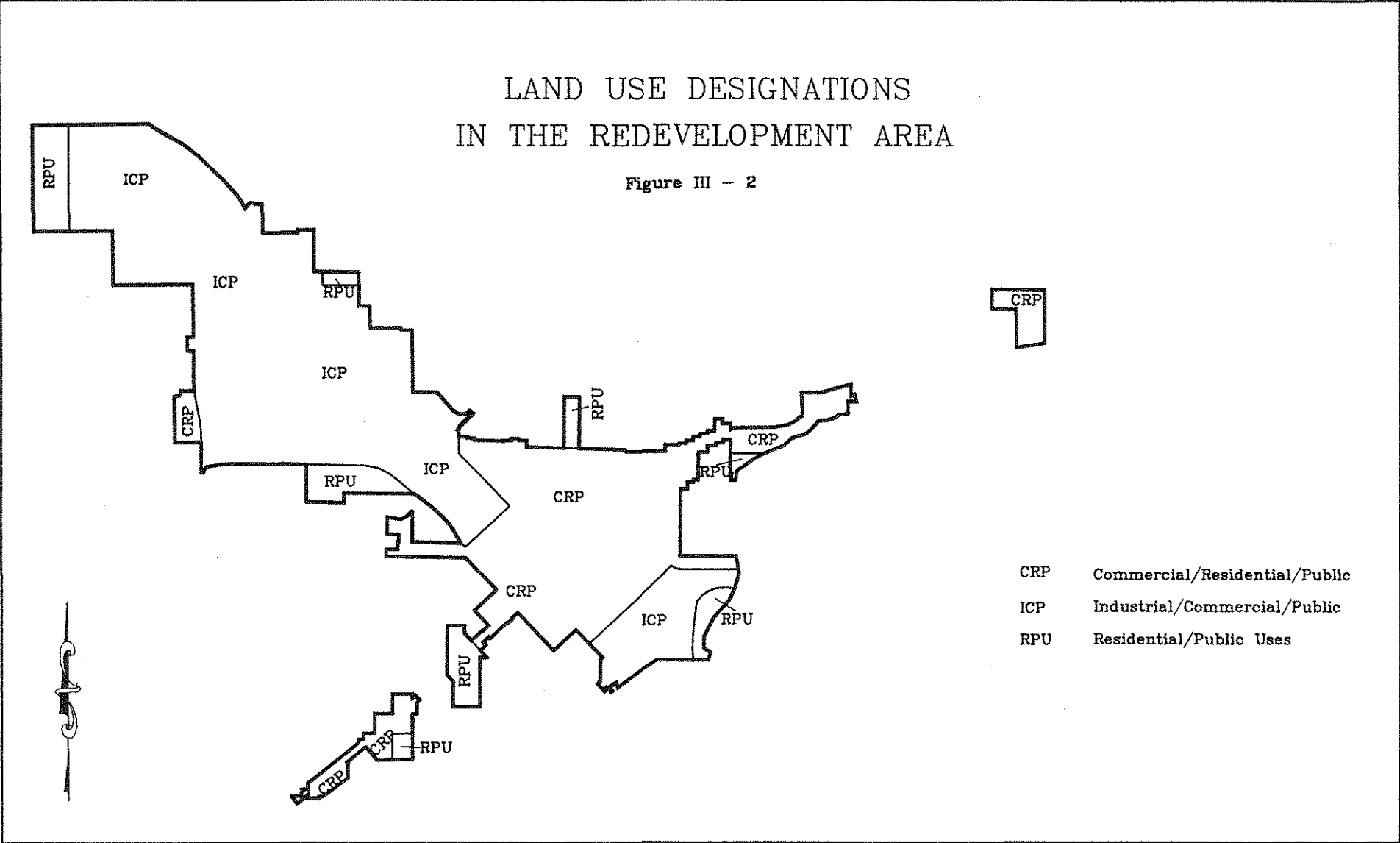
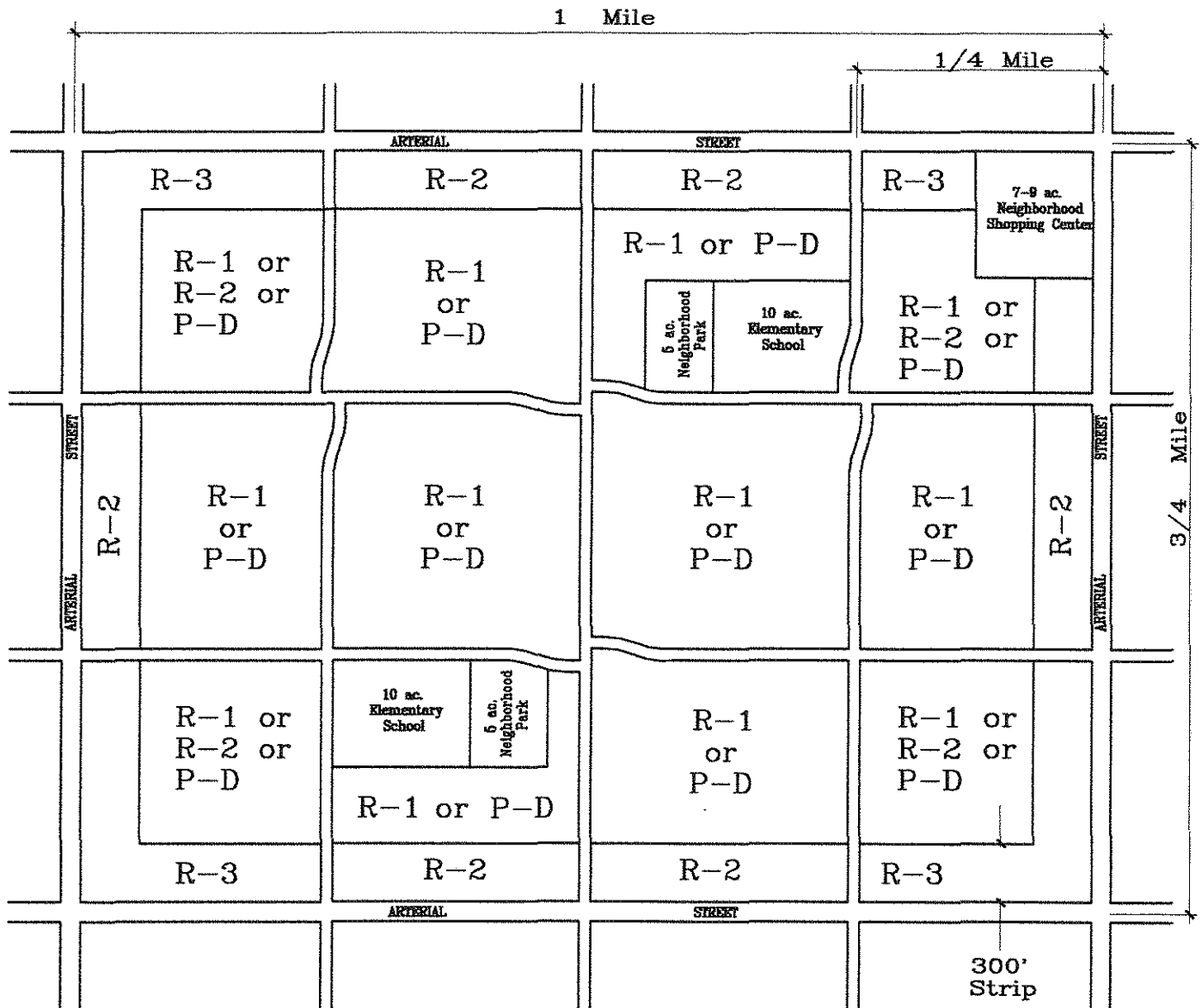


Figure III-3

NEIGHBORHOOD PLAN PROTOTYPE



60' collector street grid, offset inside neighborhood to prohibit thru traffic

CHAPTER IV
HOUSING

IV. HOUSING

- LETTER FROM STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DATED APRIL 7, 1995
- A. INTRODUCTION
- B. SUMMARY OF HOUSING NEEDS, CONSTRAINTS, & OPPORTUNITIES
- C. SUMMARY OF HOUSING NEEDS
- D. SUMMARY OF HOUSING CONSTRAINTS
- E. SUMMARY OF HOUSING OPPORTUNITIES
- F. HOUSING POLICIES
- G. STRUCTURE OF THE TECHNICAL APPENDIX
- H. HOUSING EXHIBITS

housing

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT

1800 THIRD STREET, Room 430
P.O BOX 952053
SACRAMENTO, CA 94252-2053
(916) 323-3176 FAX (916) 327-2643



April 7, 1995



Mr. Edward J. Tewes
City Manager
City of Modesto
801 Eleventh Street
P.O. Box 642
Modesto, California 95353

Dear Mr. Tewes:

Re: Review of the City of Modesto's Draft Housing Element

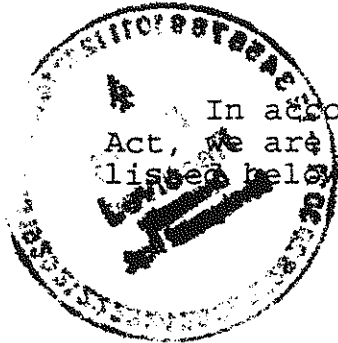
Thank you for submitting Modesto's draft housing element, received for our review on February 23, 1995. As you know, we are required to review draft housing elements and report our findings to the locality pursuant to Government Code 65585(b).

As you are aware, in our September 29, 1992 review letter, we found the City's adopted element in compliance with State housing element law. The pending draft element is being incorporated, as adopted in 1992, into a comprehensive update of the City's general plan. As this has revised the format, but retained the content, of the current housing element, the City's draft element will continue to comply with State housing element law (Article 10.6 of the Government Code) upon adoption.

The proposed omission of the review of the prior (1984) element, which was completed and adopted pursuant to Government Code Section 65588, is acceptable for the purposes of the current amendment. However, the City should note that this review (of the current element) must again be included in the housing element when it is amended pursuant to the next statutory update (June 30, 1999).


We wish you well in completing the City's general plan update, and look forward to receiving a copy of the City's annual general plan status report pursuant to Government Code Sections 65400. If we can assist your efforts, please contact Linda Wheaton, of my staff, at (916) 327-2642.

Mr. Edward J. Tewes
Page 2



In accordance with requests pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,


Juan M. Acosta
Acting Deputy Director

cc: Philip A. Testa, Community Development Director
Brian Smith, Principal Planner
Ricardo Cordova, California Rural Legal Assistance
Joanne Nugent, Self-Help Enterprises
Miguel Donoso, Hispanic Task Force
Greg Steele, Stanislaus Area Association of Governments
Kathleen Mikkelson, Deputy Attorney General
Bob Cervantes, Governor's Office of Planning and Research
Dwight Hanson, California Building Industry Association
Kerry Harrington Morrison, CA Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Wiener, California Coalition for Rural Housing
Susan DeSantis, The Planning Center
Dara Schur, Western Center on Law and Poverty

CHAPTER IV

HOUSING

Chapter IV, Housing, adds "affordable housing" policy requirements to the physical community developed through Chapter III.

This Chapter on Housing consists of certain segments of the City of Modesto, 1992 Housing Element approved by the California Department of Housing and Community Development. No changes to the contents of the Housing Element have occurred or are being proposed. The portions of the Housing Element that are included have only been reformatted to conform with the structure of the updated General Plan. On April 7, 1994, the Department of Housing and Community Development stated that "as this has revised the format, but retained the content, of the current housing element, the City's draft element will continue to comply with state housing element law (Article 10.6 of the Government Code.)"

A. INTRODUCTION

The Housing Element is intended to guide residential development and preservation in a way that supports the overall economic and social values of the community. The residential character of a city is largely dependent on the type and quality of its residential neighborhoods and the dwelling units within them. This Chapter on Housing is an official response to a continuing awareness of the need to provide housing for all economic segments of the community. It is also a legal requirement that housing policy be made part of the planning process. As such, this Chapter on Housing includes housing goals, policies, that will assist City officials in daily decision-making. Implementation of housing policies will enable the City to realize its housing goals. The time frame for the approved 1992 Housing Element was from 1992 to 1997. California Government Code Section 65588 (e) (4) and 65588.1, effective in 1993, extends the time frame of the housing element. As of June 1995, the time frame was extended to June 30, 1999. This time frame may be changed by subsequent legislation.

1. State Policy and Authorization

The California State Legislature has declared the availability of housing and the early attainment of decent housing and a suitable living environment for every Californian family as the State's major housing goal. Recognizing that local planning programs play a significant role in the pursuit of this goal, and to assure that local planning effectively implements statewide housing policy, the Legislature has mandated that all cities and counties include a Housing Element in their adopted local general plans (Government Code Section 65302). Article 10.6 of the Government Code (Section 65580-65589.8) sets forth specific components to be contained in a community's Housing Element. (This section of the Government Code is cited in the 1992 Housing Element Technical Appendix attached as Appendix A.)

2. Organization of this Chapter

The Housing Element guidelines require the inclusion of three basic components:

- a. An evaluation of community resources and constraints and the analysis of housing needs, indicating the capacity of existing housing supply to provide all economic segments of the community with safe and decent housing.
- b. A housing program consisting of two parts: (a) establishing local housing objectives, policies and priorities aimed at alleviating unmet needs and (b) ways to remedy the housing problems identified.
- c. A five-year course of action which includes a specific description of what the locality intends to undertake to meet the goals, policies, and priorities.

Another component of this Chapter on Housing is the 1992 Housing Element Technical Appendix attached as Appendix A. This accompanying document provides a compilation of the most recent available data of the population, socioeconomic and housing characteristics of the City of Modesto. The information provided in Appendix A helps to define the City's current and projected housing needs, and provides valuable demographic information which can be utilized by City staff, decision-makers, and the public in many other aspects of planning.

3. Relationship of the Housing Element to Other General Plan Elements

The General Plan is a long-range planning document and includes (in addition to this Chapter) other components that address: land use, circulation, conservation, noise, open space, and safety. Each of these components must be internally consistent within the General Plan. The Housing Element is the only General Plan element that is mandated by State law to be reviewed and updated every five years by a State agency. The Department of Housing and Community Development (HCD) reviews each community's Housing Element to determine if it complies with Article 10.6 of the State Government Code.

4. Public Participation

Public Participation is an important part of the City's Housing Element update process. During the preparation of the 1992 Housing Element update, City planning staff met with individuals and organizations in the community for their input on the housing needs of residents in Modesto. This input was incorporated into a Preliminary Draft Housing Element and Technical Appendix.

Copies of the Preliminary and Draft 1992 Housing Element documents were made available to community organizations and individuals; local governmental officials; and the public library. Notices of the 1992 Housing Element update and environmental review were prepared and posted at various locations throughout the community.

Comments received on the Preliminary Draft Housing Element were collected, reviewed, and incorporated into a Draft Housing Element. The following represents the 1992 Housing Element timeline:

1992 Housing Element Timeline

- February 10, 1992 Mailed the Preliminary Draft to the Department of Housing and Community Development (HCD) for their 45-day review. This review ended on March 26, 1992.
- February 12, 1992 Administrative Review of the Preliminary Draft held in the City Council Chambers. This Meeting was open to the public.
- February 26, 1992 Environmental Assessment Committee reviewed the Preliminary Draft and issued a Draft Negative Declaration, in accordance to the California Environmental Quality Act (CEQA). The 30-day public review period ended on April 3, 1992.
- March 24, 1992 A Joint City Council Planning Commission Meeting was held to solicit input from the public on the Preliminary Draft. This meeting was televised on the local cable channel.
- April 20, 1992 The Planning Commission held a public hearing on the Draft Housing Element. At the conclusion of the public hearing, the Planning Commission voted to recommend to the City Council the following: approval of the amendment to the 1992 Draft Housing Element of the Modesto Urban Area General Plan; and the certification of the Negative Declaration. This meeting was televised on the local cable channel.
- May 19, 1992 The City Council held a public hearing for final adoption of the 1992 Housing Element of the Modesto Urban Area General Plan. At the conclusion of the public hearing, the City Council unanimously approved the 1992 Housing Element and certified the Negative Declaration as complete and in compliance with the California Environmental Quality Act (Exhibit IV-1). This meeting was televised on the local cable channel.
- May 20, 1992 Letter received from the State Department of Housing and Community Development (Exhibit IV-2) stating that the 1992 Housing Element of the Modesto Urban Area General Plan is in compliance with State Law.

February 17, 1995 The City of Modesto submitted a copy of the Draft General Plan to the Department of Housing and Community Development. The Draft General Plan incorporated a reformatted version of the 1992 Housing Element.

April 7, 1995 The Department of Housing and Community Development stated that "the pending draft element is being incorporated, as adopted in 1992, into a comprehensive update of the City's General Plan. As this has revised the format, but retained the content, of the current element, the City's draft element will continue to comply with state housing element law (Article 10.6 of the Government Code)."

B. SUMMARY OF HOUSING NEEDS, CONSTRAINTS, & OPPORTUNITIES

As part of the 1992 Housing Element, a separate Technical Appendix was prepared as a background report to document the population, socioeconomic, and housing characteristics of the City of Modesto. The Technical Appendix helped to define the City's current and projected housing needs, and to provide direction in the development of goals, policies, and programs to address these needs in the Housing Element. This Technical Appendix is attached in its entirety as Appendix A.

This Chapter on Housing summarizes the findings of housing needs from the Technical Appendix. Additionally, certain constraints which may discourage the construction of new housing are evaluated, as well as opportunities that further the development of housing in Modesto.

C. SUMMARY OF HOUSING NEEDS

A number of factors will influence the degree of demand or "need" for new housing in Modesto in coming years. The six major "needs" categories considered in this Housing Element are listed below, with an expanded explanation following.

- Regional housing needs determinations as required by State law, which are determined by the local Council of Governments;
- Housing needs resulting from increased population growth, both in the City and the surrounding region;
- Housing needs resulting from the deterioration or demolition of existing units or from the loss of existing affordable rental stock;
- Housing needs resulting from the presence of special needs groups such as the elderly, handicapped, large families, farmworkers, female-headed households, low-income and minority households (e.g., South East Asian refugees) and the homeless.
- Housing needs that result when households are paying more than they can afford for housing.

- Preservation of at-rise housing units provide rent restrictions which fill several housing needs.

1. City of Modesto's Projected Share of the Regional Housing Needs

The Stanislaus Area Association of Governments (SAAG), as required by State law, determined in February 1991, the City's projected share of regional housing needs through 1997, for persons of all income levels. In March 1991, the Modesto City Council adopted Resolution No. 91-178, accepting SAAG's allocation of 11,688 housing units as Modesto's share of the 1990-1997 Regional Housing Needs.

SAAG has determined that the City's basic housing need is 10,677 units (projected need for new construction) and 1,011 replacement units, for a total of 11,688 housing units. Increase in housing need is the amount of housing needed by 1997 to meet projected household growth and to keep the housing market in balance. The basic replacement need is the amount of housing needed to replace units expected to be demolished or lost from the present stock. (For the breakdown of housing need by income category, please see Section 4.6 in Appendix A.)

2. Population Growth

Since 1980, the City of Modesto has grown by 55 percent, from 106,602 persons to 164,730 persons in 1990. This rapid growth has changed Modesto from a small agricultural-based community into a medium-sized metropolitan center, with more people living here and commuting to work in the Bay Area.

Another cause of the rapid growth has been the arrival of South East Asian refugees, who have become concentrated in not only Modesto and Stanislaus County, but in San Joaquin and Merced Counties as well. There are an estimated 12,384 persons of Asian background, which equates to 7.5 percent of the City's population.

Refer to Figure 3-A of the 1992 Housing Element which identifies City of Modesto Population Trends between 1940 and 1990.

The City's future growth will occur on land within the City's Urban Sphere in a series of urban villages and on vacant parcels within the City's current sewer service area.

Refer to Figure 3-B of the 1992 Housing Element that identifies population projections for the City of Modesto, County of Stanislaus and the State of California.

3. Substandard Units

Housing units 30 years of age or older may need rehabilitation. The 30-year figure of rehabilitated stock as defined in the 1991 HUD report is approximately 12 percent of the City's housing stock was built before 1960. A windshield survey of the City's housing stock condition was taken in 1988. This survey revealed that the majority of the City's housing stock is in good condition. However, with such a large proportion of the City's housing stock nearing 30 years of age, continued maintenance of this older housing will be essential to prevent widespread housing deterioration.

The City's 1988-1991 Housing Assistance Plan (now replaced by the Comprehensive Housing Affordability Strategy, or CHAS) identifies a total of 5,246 existing housing units which are suitable for rehabilitation. In addition, as identified in the 1992 Housing Element Technical Appendix, 250 housing units within the City of Modesto are not suitable for rehabilitation and should be replaced.

The residential units that currently exhibit structural deterioration are predominantly concentrated in City's older sections, such as the downtown, west and south areas. A portion of the west area is encompassed within the City's Housing Maintenance Program and is eligible for rehabilitation loans at below market rates. Rehabilitation improvements will continue to be encouraged in these areas. The Housing Element sets forth policies and programs to encourage the maintenance of the City's housing stock. The policies aim to:

- Encourage the maintenance of the existing stock;
- Encourage the rehabilitation of substandard and deteriorating housing;
- Promote the removal and replacement of substandard units which cannot be rehabilitated.

4. Special Needs Groups

Certain segments of the population may have a more difficult time finding decent, safe and affordable housing due to special circumstances. In Modesto, the special needs groups include lower-income and minority households, the elderly, handicapped persons, farmworkers, large families, female-headed households, and the homeless. Exhibit IV-3 illustrates the number of persons or households in these special needs groups.

- a. Elderly: The special needs of many elderly households result from their lower, fixed incomes, physical disabilities, and dependence needs. In 1990, 22,915 persons or 14 percent of the City's population was 60 years of age or older.

The 1988-1991 Housing Assistance Plan identifies 1,455 elderly households in need of rental assistance. Rising housing costs, particularly in the rental market, adversely impact housing affordability

for fixed-income elderly residents. The housing needs of the elderly can be addressed through the provision of smaller units, second units on lots with existing homes, congregate housing, mobile homes, and housing assistance programs.

- b. Handicapped (Disabled): Physical handicaps can hinder access to housing units of normal design as well as limit the ability to earn adequate income. Housing opportunities for the handicapped can be maximized through housing assistance programs, such as the City's Handicapped Barrier Removal Program. Also, single level units, ground floor units, and units which incorporate design features such as widened doorways, access ramps, and lowered counter-tops, are all ways in which housing can become more accessible to a handicapped person. This Chapter on Housing sets policies to implement State standards for the provision of handicapped accessible units in new multi-family developments, and in addition, to encourage housing which is provided for the handicapped to be located in close proximity to public transportation and services. The Fair Housing Act of 1988 requires owners landlords of rental housing to permit reasonable modifications to be made to the unit to improve handicapped accessibility at the expense of the tenant.
- c. Female-headed Households: Female-headed households tend to have low incomes, thus limiting housing availability. In 1990, 27.5 percent or 15,987 households in Modesto were headed by females, many of which have dependent children under 18 years of age. Providing housing opportunities for female-headed households relates to both affordability and child care services. This Chapter on Housing sets forth a policy to encourage the development of child care facilities coincident with new housing development, which is also encouraged in the Village One Specific Plan, adopted October 16, 1990.
- d. Farmworkers: The special housing needs of farmworkers stem from their low wages and the seasonal nature of their employment. An estimated 244 families in Modesto, are employed in agricultural-related fields and are in need of housing. Thus, the demand for housing generated by farmworkers in the City is relatively low. Nonetheless, housing opportunities for farmworkers can be enhanced by expanding the City's affordable housing stock and by continuing to work with the Stanislaus County Housing Authority, which currently provides 91 housing units to farmworkers within the City of Modesto.
- e. Homeless: The housing needs of those seeking emergency shelter and or transitional shelter has increased dramatically in the last ten years. The fastest growing population of those in need of shelter are families with children. Factors contributing to the rise in the homeless population include the lack of affordable housing, increases in the number of persons who fall below the poverty level, reductions in

public subsidy to the poor, and the de-institutionalization of the mentally ill.

According to the 1990 Census, there were approximately 248 homeless persons within the City of Modesto. Agencies providing temporary housing assistance for the City's homeless population include the Modesto's Men's and Women's Gospel Mission and the Community Temporary Shelter Service Coalition. These agencies not only provide temporary lodging, but also offer counseling services, as well as meals and or emergency food. For further information on the numbers of homeless persons served by these agencies, please refer to the 1992 Housing Element Technical Appendix Chapter 2.0, Section 2.4: Groups With Special Housing Needs.

The City of Modesto, in cooperation with Federal Department of Housing and Urban Development (HUD) and the Community Temporary Shelter Service Coalition (CTSSC), is participating in a program to provide single-family residences for homeless families seeking permanent housing. The City of Modesto is leasing three houses from HUD for \$1.00 per year. CTSSC assists with the selection of the families. A modest rent is collected to cover the operating costs (such as taxes, utilities, and maintenance) of the houses.

5. Housing Affordability

In evaluating housing affordability, households are divided into four income categories relative to the median household income for Stanislaus County. The 1990 median income, as set by the Housing and Urban Development Department (HUD), for Stanislaus County was estimated to be \$32,500 for a family of four. The following illustrates how the four income categories are divided:

- | | |
|------------------------|--|
| Very-Low-Income: | Households who earn 50% or less of the median area income. |
| Low-Income: | Households who earn between 50% and 80% of the area median income. |
| Moderate-Income: | Households who earn between 80% and 120% of the area median income. (100% of the area median income for 1990 is \$32,500 for a family of four in Stanislaus County.) |
| Above-Moderate-Income: | Households who earn above 120% of the area median income. |

6. Overpayment

An important issue in housing affordability is the concern of how many households are overpaying for housing. Housing overpayment is based on an income-to-housing ratio of 30 percent and above. Households paying greater than 30 percent of their income on housing will have less income left over for other necessities, such as food, clothing and health care. It is recognized, however, that households in the moderate and above-moderate categories are generally capable of paying a larger portion of their income on housing, and therefore estimates for housing overpayment are generally focused on lower income groups.

At this time, data on overpayment is not available from the 1990 Census. However, by interpolating data from the 1980 Census, (and information from the State Department of Housing & Community Development), the minimum number of lower income households overpaying for housing can be estimated. It is estimated that in 1991, there were a total of 11,586 lower income households (8,956 renters and 2,630 owners) overpaying for housing. [For further information on overpayment, see Appendix A, Section 4.0, pages 4-12 and 4-13.

The distinction between renter and owner housing overpayment is important because while homeowners may extend themselves financially to afford the option of home purchase, the owner always maintains the option of selling the home. Renters, on the other hand, are limited to the rental market, and are generally required to pay the rent established in that market.

7. Preservation of At-Risk Housing Units

The City of Modesto has eight low- and moderate-income rental housing projects which were provided with low-interest loans and rent subsidies through various programs administered by the Department of Housing and Urban Development (HUD) and the Federal Housing Administration (FHA). The majority of units within the projects listed are potentially at-risk of converting to market rate units. Seven of these projects are due to terminate within the 1992-1997 time frame and one project is subject to termination between 1997 and 2002.

Termination of a subsidy program will lift all rent restrictions, as well as restrictions on the incomes of the people living in the projects. Owners will be free to convert their projects to market rate rentals, or condominiums. Conversion to non-residential uses is a remote possibility. Any conversion of units could result in displacement and or an economic hardship to many of the tenants.

As highlighted in the figure below, some of the at-risk projects are subject to different regulatory programs, such as those with non-renewal Section 8 rental assistance contracts. However, these projects may meet the provisions of new federal law which is designed to minimize conversion of the projects, for

instance the El Casa Verde I and II. Other projects may be subject to advance notice provisions or have other use restrictions such as mortgage restrictions and rental assistance contracts subject to special provisions. In the event of any potential tenant displacement, the City will seek to preserve, for its low-income households, the units in assisted housing developments that are eligible to change to non-low-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

Exhibits IV-4 and IV-5 list the five-year inventory of low-income rental projects subject to termination of Federal mortgages and or rent subsidies. The projects are owned by individuals, partnerships, and nonprofit organizations.

The City estimates that by the year 1997, a total of fifteen privately-owned housing projects will technically be at-risk of converting to market rate. Seven of the projects are funded by federal rent subsidies; five are assisted by multi-family mortgage revenue bonds; and three projects with density bonuses.

Potentially, by the year 2002, a total of 1,244 units within the City of Modesto are at-risk, of which 383 are elderly units, and 861 are non-elderly units. Exhibit IV-6 reflects an annual summary of at-risk projects by elderly and non-elderly units, from 1992 to 1997; which reflects this Housing Element's planning period.

Projects financed through various local, state and federal subsidy programs provide the owners with certain incentives to make the cost of operating the project more economically feasible and help allow the cost of renting the unit to be more affordable to lower-income families.

It has come to the City's attention that the project owners of the Westdale Commons intend to refinance their mortgage for more favorable interest rates. Thus, when this occurs, the 44 low-income units will remain as low-income units until the year 2005.

Exhibit IV-8 indicates the Section 8 Moderate Rehabilitation units that are at-risk of conversion and should be noted in the next Housing Element Update in 1999.

a. Analysis of At-Risk Units

(1) Location and Market Area:

Several factors were considered when determining the projects that were most likely to convert to market-rate housing. Factors to consider are the location, market area, and physical condition of the units at risk. A high percentage of the at-risk projects are concentrated in low-income neighborhoods, which are plagued with a variety of economic and related social problems. Thus, these projects are not likely to convert in the near future.

(2) Physical Location of the Projects:

Based on the generally satisfactory physical condition of the majority of the projects, physical condition would not necessarily affect the marketability of the units as market rate units. Their location in low-income neighborhoods, with the accompanying economic and social problems, however, would be more likely to affect their marketability.

(3) City Program Objectives

The City objectives for conserving the at-risk units for the period of the 1992 Housing Element (1990-1999) include an objective to preserve all (1,244) assisted units at-risk of losing government assistance over the next ten years.

(4) Cost Analysis of At-Risk Assisted Units

The City of Modesto arrived at an estimated cost to produce comparable units to replace those at-risk by reviewing actual costs paid by sources such as: (a) the Stanislaus County Housing Authority for a public housing project; (b) the Building Inspection Division for the cost per unit of a project currently under construction; (c) one local private developer who constructs projects within the Section 8 income range; and (d) one nonprofit housing corporation planning to construct affordable units in the city.

Multi-family housing construction costs vary according to the number of units built, size of the units, and the amenities (swimming pool, tennis court, recreation center). The greater number of units and the larger the units, the less the units will cost per square foot. As an example, in Modesto in 1991, the cost to build a 144-unit apartment complex, would be about \$52.00 a square foot, with each unit averaging 814 square feet. This equates to an average per unit cost of approximately \$42,000. This estimate includes land and construction costs, financing, marketing and profit.

(5) Preservation Cost of At-Risk Units

The cost to preserve housing is often more expensive than replacing it. The age, condition and maintenance record of housing plays a major role in the preservation cost. It is more difficult to place a cost on preserving existing units over time, because of a large number of components not easily estimated.

The City Planning staff checked with several housing management companies which currently manage multi-family

housing projects to determine the approximate cost per unit to maintain and operate an existing project. For example, the Stanislaus County Housing Authority estimates that a 100-unit, multi-family complex would cost \$288,000 annually for operation and maintenance.

(6) Notification Process of At-Risk Units

According to the guidelines established by the U.S. Dept. of Housing and Urban Development (HUD), for units determined to be at-risk, such as HUD assisted projects (Section 221(d)(3), Section 236), owners must file a notice of intent to change the status of the project. This notice of intent must also include a plan of action filed subsequently with HUD, the chief executive officer of the appropriate local government, the mortgagee and the affected tenants up to two years prior to the scheduled prepayment date.

Following the receipt of the owner's notice of intent, the City of Modesto (or affected local jurisdiction) should make an effort to notify all existing non-profits in the area. The non-profits should have a proven capability or interest in acquiring and operating low-income housing.

HCD has initiated the Rental Preservation Program (RPP) to assist in the preservation of California's affordable subsidized housing stock. This program allows interested entities the opportunity to purchase certain federally-assisted rental housing developments. The opportunity to purchase applies to development where owners have either (a) given notice of their intent to prepay or terminate low-income use requirements, or (b) plan to discontinue the use of the development as assisted housing. HCD notifies local entities (such as the Stanislaus County Housing Authority) indicating that a local project owner has filed to prepay or terminate low-income use requirements.

If an owner offers property for sale to "priority" purchasers (non-profits) for 12 months and the sale falls through, the owner can then offer to sell the development to a qualified purchaser for three months. If the sale falls through or there are no bona fide offers, the owner can then prepay and terminate the low-income requirements.

(7) Entities with the Potential Capacity to Acquire and Manage Assisted-Housing Units

The Stanislaus County Housing Authority is one entity with the potential capacity to acquire and manage the assisted at-risk projects. The Housing Authority has had many years of managing

and operating experience of low-income housing projects. While the Housing Authority may initially provide staff experienced in operating and managing such projects, they would need to acquire resources to buy and manage these units.

b. Possible Financial Sources Which Could be Used to Preserve At-Risk Projects

(1) Community Development Block Grant Funds (CDBG)

The City of Modesto's current annual CDBG entitlement amount is \$1.3 million, of which about 80% to 90% is used for housing assistance each year. The majority of funds allocated under the CDBG entitlement are used for the Housing Maintenance Program, which is a mandatory code enforcement program. Currently, the CDBG funding is used to assist several programs and services throughout the City of Modesto. Taking this into consideration, about 10 percent or \$100,000 a year may possibly be used to preserve at-risk projects in the future. To be able to commit CDBG funds to preserving at-risk developments, the City of Modesto would have to modify or revise its existing priorities for CDBG expenditures.

(2) Redevelopment 20 Percent Set-Aside Tax-increment Funds

State law requires redevelopment agencies to set aside at least 20 percent of the tax increment revenues for increasing and improving the City's supply of low- and moderate-income housing. There are no funds or reserves available for preservation of at-risk units at this time. However, the City of Modesto is in the process of expanding its current redevelopment area. When this occurs, it is possible that some of the tax increment monies collected can potentially be used for preserving the at-risk housing projects. Our Redevelopment Agency estimates that by 1997, there may be as much as one million dollars in tax increment set-aside funds for low- and moderate-income housing. At this time it has not been determined how these funds will be used.

(3) HOME Investment Partnerships Program

The HOME Program was created under Title II of the National Affordable Housing Act of 1990 to provide financial and technical assistance in the development of affordable low-income housing. The HOME Program permits the use of funds for rehabilitation, as long as the matching funds requirement is met. Congress has waived the matching requirement for HOME funds allocated in FY 1992. If this waiver is not extended in future years, matching funds for HOME-assisted projects will be calculated on a case-

by-case basis. Eligible matching sources can include contributions from State local governments or private sources. If funds received from the HOME program can be matched, the City can potentially use HOME funds to assist in the preservation of at-risk housing projects.

(4) Stanislaus County Housing Authority

The Stanislaus County Housing Authority has a local reserve fund. These funds have currently been committed for use in the developed of new housing projects already planned by the Housing Authority. During the next five (5) years, however, the Authority anticipates that there will be approximately \$250,000 to \$300,000 annually in additional reserve funds. A portion of these funds could potentially be utilized in the case of a project that has "opted out" of its low-income provisions.

c. Establishment of a Policy

The City of Modesto should establish a policy, quantified objective, and program for the preservation of housing projects at-risk of conversion.

EXAMPLE: Policy 1

The City of Modesto should make a maximum effort to preserve, for its low-income households, the units in assisted housing developments that are eligible to change to non-low-income uses, due to terminations of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

EXAMPLE: Program, Objective:

The City of Modesto's Program should ensure that assisted at-risk units do not convert to non-low-income uses. The 1990-1997 objective for the units at-risk program is to preserve all assisted multi-family rental units at-risk of losing government assistance over the next five years.

The Planning and Community Development's Housing Program Office shall continue to monitor the City's assisted housing projects. The City should keep in touch with the necessary agencies and sources, such as the Housing Authority, the owners of the at-risk units, HCD and HUD. This contact is essential and will help the city to be aware of any situation where assisted units are in danger of converting to non-low-income housing uses.

The Housing Program Office can continue to work with the California Housing Partnership Corporation (CHPC). The CHPC provides support to localities and nonprofit housing corporations in addressing a wide range of preservation opportunities.

The City of Modesto will continue to work with HUD, to ensure that any notification of potential sales of at-risk units are forwarded to the City. Any owners of projects at-risk of conversion must notify HUD of any impending sales or conversion and if they plan to prepay their mortgages and or if they decide not to renew their Section 8 contracts.

In addition to the above monitoring, the City of Modesto's Planning and Community Development Department will continue to respond to any situations dealing with housing projects at-risk of conversion. The department will use any available resources to preserve the units for lower-income households. Depending on the feasibility, political support, availability of funding and the specific situation(s), the City will take the following actions:

- (1) Negotiate with the project owners and persuade them to retain the units for lower-income households;
- (2) Assist non-profit housing corporations in obtaining financing to purchase projects;
- (3) Use of CDBG or other funds to purchase or subsidize a project or projects;
- (4) Apply to HUD and or the State Department of Housing and Community Development for financial and technical assistance;
- (5) Consider using a City bond financing program such as the Multi-family Revenue Bonds as used in previous years.

D. SUMMARY OF HOUSING CONSTRAINTS

This section of the Housing Chapter identifies housing constraints which may discourage the construction of new housing. Actual or potential constraints on the provision and cost of housing affect the development of new housing as well as the maintenance of existing units for all income levels. Non-governmental (market), and governmental constraints that affect the development of housing are discussed below.

1. Non-governmental (Market) Constraints

The high cost of renting or buying adequate housing is the primary ongoing constraint to providing affordable housing in the City of Modesto, although our past performance has been exemplary. Construction costs, land costs, labor costs, and market financing constraints are all contributing to increases in the availability of affordable housing.

a. Financing Costs

The costs of financing residential development is, to a great extent, dependent on national economic trends and policy decisions. Interest rates for residential development, such as construction loans and permanent financing, are tied to the private market and fluctuate depending on the prime rate or other market indicators. In addition to interest rates, loan terms and conditions can vary and are affected by the availability of funds both in the primary and secondary loan markets.

Currently, mortgage rates are at a record low (1/1992) with a variety of mortgage financing options available. Fixed rate mortgage loans with a 30-year term had interest rates varying from 7.75 to 8.50 percent. Adjustable Rate Mortgages were available at rates starting at 4.50 to 7.25 percent, but the actual annual percentage rate was more in the range of 8.50 to 11.75 percent. However, the interest rate percentages do not include lender fees. These fees can be as much as one to three percent of the actual loan amount.

Interest rates are an important factor in residential financing because, as interest rates increase, more potential homebuyers are excluded from the market. For example, a \$100,000 fixed rate, 30-year mortgage at ten percent, requires a \$878 monthly mortgage payment, while the payment on the same mortgage at nine percent is \$805, a difference of \$73 per month. A mortgage at a lower interest rate can be the deciding factor in whether a home buyer "qualifies" for a loan.

b. Land and Construction Costs

Land costs for new residential development may vary depending on the location, size and type of development. Factors that further increase the cost of new residential development include construction costs, financing costs, and infrastructure costs.

Similar factors influence the cost of single family and multi-family housing construction. The amount of costs vary, depending on the labor and material costs, land costs, as well as the price of fees and permits. Multi-family construction costs vary according to the number of units built, size of the units, and the amenities (swimming pool, tennis court, recreation center). The greater number of units and the smaller the units, the less the units will cost per square foot. As an example, an estimated cost to build a 144-unit apartment complex, would be about \$52.00 a square foot, with each unit averaging 814 square feet. This equates to an average per unit cost of approximately \$42,000. (This estimate includes land and construction costs, financing, marketing and profit.)

In regards to single family construction, Exhibits IV-9 and IV-10 reflect the typical costs of a new 1,200 square-foot single family house and a new 2,200 square-foot house in the City of Modesto.

2. Governmental Constraints

Housing affordability is affected by factors in both the private and public sectors. Actions by the City of Modesto as well as state and federal governmental actions can have an impact on the price and availability of housing in the City. Land use control; building codes; development and infrastructure fees; site improvement requirements; and other state and federal programs (such as Article 34) intended to improve the overall quality of housing may serve as a constraint to housing development within the City of Modesto.

a. Land Use Controls

In 1974, the City Council adopted an Urban Growth Policy which established a process and criteria for evaluating the need for expanding sewer service to new areas for residential development. The Urban Growth Policy includes an annual inventory of vacant residential land for the purpose of determining the need for sewer trunk extensions. One of the goals of the Urban Growth Policy is to maintain a three to five year supply of vacant residential land. In 1979, the citizens of Modesto passed the Modesto Citizen's Advisory Growth Management Act (Measure A) which requires the City to hold an advisory vote of the citizens prior to extending sanitary sewer service into areas outside of the Current Sewer Service Area. The 1974 Urban Growth Policy was amended in 1979 to incorporate Measure A.

In 1989, the City adopted an Urban Growth Management Strategy calling for future urban expansion in the Urban Reserve to occur in comprehensive planning areas known as "villages". The priorities for further sewer trunk extensions and village development are influenced by an EPA mitigation measure which requires that the City directs new growth toward areas of poorer soils first, to the east and northeast.

Measure A has, in the past, been a constraint to development of housing. During the period of the preceding Housing Element, two ballot measures to extend sewer trunks for new development were defeated. Responding to the concerns expressed regarding new growth, the City formed a citizens committee (the Urban Growth Committee) to build a community consensus on how Modesto should grow. Out of this committee came two major recommendations: 1) That new growth should mitigate the impacts it creates through the payment of Capital Facilities Fees (see below), and 2) that Modesto should grow through a series of pre-planned "villages".

These recommendations were adopted by the City Council and incorporated into the City's Urban Growth Policy. The strategy has been successful in mitigating the effect of Measure A, as Village One, the first effort resulting from this strategy, was approved by the voters in 1990. Thus, the Urban Growth Policy is not a constraint to the development of new housing.

b. Building Codes and Enforcement

The City of Modesto enforces the Uniform Building Code (UBC), and related codes throughout the City. The UBC is necessary for the proper construction and maintenance of safe and decent housing and is not considered a constraint to development. Energy conservation requirements are enforced through Title 24 regulations. Title 24 of the State Code, contains energy conservation standards that provide guidelines for residential construction in regard to energy conservation, such as appropriate wall, floor and ceiling insulation. The Title 24 regulations are not considered as constraints to development since they promote a more energy efficient residential environment. City Building Inspectors, from the Public Works and Transportation Department, plan check new residential development for building code compliance and energy efficiency, as well as investigate violations to the Building Code on a complaint basis.

c. Article 34

Article 34 of the California State Constitution requires that public entities obtain voter approval before they "develop, construct or acquire": a public housing project. The provision of this state law can represent a significant governmental constraint because there is often considerable public opposition to these types of projects at the neighborhood level. However, since 1972, the voters of Modesto have approved three public housing referendums for a total endorsement of 1,300 units. To date, 396 authorized units have been built by the Stanislaus County Housing Authority. A total of 904 voter-approved units remain unbuilt. Currently, the Housing Authority has project applications for 120 senior units and 30 family units, pending the securing of project financing.

d. Zoning

The City of Modesto has three residential zones: R-1, R-2, and R-3. The R-1 Zone allows single-family development with a minimum lot size of 5,000 square feet. The R-1 Zone also allows second units as a use of right on corner lots, and second units on other lots with plot plan review. The R-2 and R-3 Zones allow multi-family development at maximum densities of 14 dwelling units per acre (du ac) and 27 du ac respectively. In addition, the City grants Planned Development (P-D) zoning to allow for development options beyond what is allowed in the

standard residential zones (e.g., small-lot patio housing, high-density senior housing).

The City does not consider its zoning standards to be a constraint on development. The minimum lot sizes, maximum permitted densities, and provisions for allowing second units, together with the special provisions of the Planned Development Zone, are all aimed at maximizing density. This is consistent with one of the goals of the Urban Growth Policy (see above) which calls for maintaining an overall minimum density of 7.5 dwelling units per net acre. Modesto's current overall density of 7.57 du ac and is among the highest in the Central Valley.

e. Development Standards

The City's development standards for new residential development are meant to ensure compatibility between land uses and to maintain the livability and safety of its neighborhoods. Development standards include parking standards, building setback requirements, landscaping and fencing requirements for multi-family housing, and construction of certain on-site improvements such as curbs, gutters, and sidewalks.

Parking standards require two spaces per dwelling unit, except for multi-family projects over 35 units, which require 1.5 spaces dwelling unit for units in excess of 36. Building setbacks are 15 feet for the front yard (20 feet for garage), and five feet for the side and rear yards. A setback of 40 feet is required for two-story multi-family structures adjacent to single-family housing, to maintain compatibility. Screen landscaping and fencing are also required for multi-family projects adjacent to single-family housing, again to maintain compatibility. The requirement for the installation of curb, gutter, and sidewalk is for public health and safety reasons.

These standards are not a constraint to the development of housing because they are considered minimum standards designed to protect the public health, ensure compatibility between adjacent land uses, and to maintain and enhance the livability of Modesto's neighborhoods.

f. Developer Fees

From the late 1970's, until the late 1980's, the City was losing ground on financing for public facilities. Broad-based funding for the Capital Improvement Program (CIP) of years past had dried up. At one time, half of the sales tax revenues had been pledged to the CIP. Now all sales tax revenues are committed to the operating budget. State and federal funding has dwindled. So has the City's ability to pass General Obligation Bonds and sales tax increases for transportation purposes.

The City was faced with reducing its standards for capital infrastructure, or annually, greatly increasing its deficiency of needed unfunded projects, or developing a new revenue source -- developer fees. An advisory vote on urban growth suggested that a 1987 plan whereby new growth would pay for part of its infrastructure needs wasn't enough. Growth had to pay its way without future assumptions of broad-based funding support. Consequently, the City has adopted a set of comprehensive developer fees called Capital Facilities Fees (CFF). In addition, the County has adopted Public Facilities Fees (PFF) so that new growth will finance its capital needs. In addition, fees are included for new growth areas such as the Village One Specific Plan area. Refer to Exhibit IV-11.

In addition, the school districts have a \$1.58 per square foot developer fee for residential uses. This fee does not cover total school expenses but it is all that will be collected in the City's existing urban area. New growth areas within the City's urban reserve will have to participate in a schools' Mello Roos District with anticipated cost of \$10,000 to \$12,000 per dwelling unit for the elementary school districts (K-6 and 7-8 facilities) and the high school district 9-12 facilities).

Fees for development in the new Village planning areas will probably be somewhat higher than current city-wide fees. Specific Plan area fees such as Area of Benefit Assessment districts, homeowner association dues, maintenance districts, and other special fees may be necessary to fund the required infrastructure to City standards.

Exemptions in the form of fee waivers or deferrals are available for the City's Capital Facility Fees (CFF).¹ The Stanislaus County Housing Authority and other nonprofit sponsors of housing for very-low-income households are exempt from the City's CFF, including projects to be developed in Village One. For new multi-family projects with density bonuses, serving very-low and low income households, the City's CFF can be deferred. {See Policy 33 in Section F of this Chapter for further information.}

g. Local Processing and Permit Procedures

The City of Modesto has good reputation for reasonably quick and efficient processing of development and building applications and permits. Exhibit IV-12 outlines the City's processing times and costs, as of January 1, 1991.

¹It must be noted that exemptions or fee deferrals pertain to the City's fees and not school district fees. According to Deborah Bailey, Modesto City Schools Director of Planning and Research, "the schools cannot afford to extend similar considerations since lower income housing tends to generate more school-age population than housing in general and therefore creates greater impacts on the schools."

E. SUMMARY OF HOUSING OPPORTUNITIES

This section evaluates the potential residential development which could occur under the City's General Plan and Urban Growth Policy, within the next five years. It includes the vacant sites in the City's Current Sewer Service Area; Village One; and vacant sites within the City's Urban Reserve (or Sphere of Influence). Based on the analysis stated below, there is a sufficient inventory of land available to accommodate the City's current and projected Regional housing Needs.

1. Vacant Sites in the Current Sewer Service Area

a. Vacant Subdivision Lots Within Recorded Final Maps

This category of vacant residential land consists of 292.7 acres of vacant lots in existing single-family subdivisions. A total of 1,447 vacant single-family lots are located in subdivisions throughout the City. Since these lots are located in single family subdivision, there is a potential for 1,447 total dwelling units that have the potential to be built upon. The inventory in this category will most likely develop first, because building permits can be issued at any time.

b. Vacant Residential Land With Approved Tentative Maps

This Category of vacant land represents land within approved tentative subdivisions or other development approval. A total of 104.6 acres exists with a total of 808 potential dwelling units, which includes 447 single-family, 172 multi-family and 189 senior units. This inventory will likely develop after the vacant land within recorded final maps.

c. Balance of Vacant Residential Lane

There are approximately 455.6 acres (gross acres) of vacant land located within the City of Modesto, with a potential 3,687 dwelling-unit-capacity. While there are some developable infill parcels, there are a variety of parcels that are not likely to develop in the near future. Thus, it is likely that only about on-half or 1,843 dwelling units could actually be built by 1997. Reasons for this include: parcels with long-time ownership by family with no intention to sell or develop, and parcels that due to physical characteristics are not easily developable.

For more information, a neighborhood-by-neighborhood listing of the City's three categories of vacant land in the current sewer service are located in the Attachment Section of Appendix A, as well as a map of potential residential land which illustrates the location of vacant parcels over one acre in size.

(1) Village One

Village One is a planned mixed-use development that encompasses 1,784 acres, including 803 acres of residential land that will result in approximately 7,400 dwelling units. Village One employs many new planning concepts and provides for financing of all needed community facilities and infrastructure.

A Specific Plan, Financing Plan and Environmental Impact Report were approved by the Modesto City Council on October 1990. The area is currently undergoing annexation. Infrastructure plans and final financing arrangements will be complete by the end of 1992, and then the area will be ready for development.

The first phasing for development in Village One will be in the Village Center area. Precise plans for this area include higher density multi-family developments and small-lot single-family homes. A breakdown of housing types that are planned for Village One are depicted in Exhibit IV-13.

(2) Vacant Sites in the Urban Reserve Within the Next Five Years

The City's Urban Reserve is divided into eight Villages, plus five remnant neighborhoods. According to data compiled by the City Planning Department, the Urban Reserve totals 9,240 acres, and could result in approximately 40,400 dwelling units. However, due to the land use constraints discussed in Chapter 3, only Village One and two remnant neighborhoods are likely to develop by 1997.

The two remnant neighborhoods, NE McHenry and Beyer, total 171 and 161 acres respectively. These remnant areas, (also known as the "Claratine-Coffee Reorganization: and the "North Beyer Park Reorganization") have requested to be annexed to the City of Modesto. Applications for annexation of both remnant areas to the City of Modesto were received by the Stanislaus County LAFCO. A Draft Environmental Impact Report, has been prepared and is still in the environmental review process.

It is estimated that a potential of 1,882 new dwelling units could be built in the above two remnant neighborhoods by 1997. In addition, when annexation occurs, two mobilehome parks (with a total of 247 mobilehomes) will be annexed into the City. Of the estimated 1,882 new dwelling units. 578 will be single family, and 1,304 will be multi-family units.

2. Housing Opportunities for Manufactured Housing and the Homeless

In addition, State law required that each Housing Element address specifically the land areas and sites available for particular types of housing and shelter of not only single family and multi-family site, but sites for manufactured housing and emergency shelters and transitional housing as well.

a. Manufactured or Factory-Built Housing

Government Code Sections 65852.3 and 65852.4, as amended in 1988, provide for manufactured housing in single-family residential zones. These statutes require the City to allow the installation of manufactured homes on a permanent foundation on lots zoned for single-family residences. Manufactured homes must be certified under the 1974 National Manufactured Housing Construction and Safety Standards Act. The City may apply setback, side yard, parking, and other development standards which it would apply to a conventional house on the same lot.

Potential manufactured housing mobile home park sites can be located in any residential area in the City, subject to an approved Planned Development Zone. Currently, there are not any undeveloped mobile home parks in Modesto. Although there are several sites in the Current Sewer Service Area that are suitable for a mobile home park, no request have been received from the property owners of these sites for Planned Development zoning to allow a mobile home park. The City of Modesto has been in compliance with these statutes since their effective date. The City's Building Inspection Division requires only that the structure be attached to a permanent foundation and be in compliance with all applicable building regulations.

b. Emergency Shelters and Transitional Housing

The majority of homeless people within Modesto are located at various locations throughout the City. As noted in the 1992 Housing Element Technical Appendix, there are several locations that provide shelter to the homeless. The Modesto Gospel Mission is in the process of expanding its facilities to serve more persons in need of emergency housing. The City of Modesto, HUD and Community Temporary Shelter Services have combined efforts to provide three single-family residences as transitional housing for three homeless families and are working to provide a fourth house.

The City of Modesto continues to permit emergency housing (homeless shelters) in commercial and in less restrictive residential zones, with a conditional use permit. The majority of the agencies that serve the homeless in Modesto are located either near the City's downtown - the Salvation Army; or near industrial areas -- Men's and Women's Gospel Missions.

3. Assumptions and Data for Calculating Vacant Sites

The Modesto Planning and Community Development Department prepares an annual report, the Urban Growth Policy Review, that inventories vacant residential land in Modesto within the City's Current Sewer Service Area. The 1991 Urban Growth Policy Review shows that there are 854 acres of vacant residential land within the Current Sewer Service Area. Of this total, 293 acres are vacant lots in recorded final subdivisions, 105 acres are vacant parcels with approved tentative subdivision maps on them, and 456 acres are vacant parcels with no development approvals on them. The published version of the 1991 Urban Growth Policy Review actually shows 449 acres of vacant parcels with no development approvals, and 847 acres total vacant residential land. An error of 7 acres was discovered in the report when compiling the data for the Housing Element.

The following is an analysis of potential dwelling units for each category of vacant land shown in the 1991 Urban Growth Review:

- a. Vacant Subdivision Lots: This category consist of vacant lots in existing single-family subdivisions. Since these lots are located in single-family subdivisions, it was assumed that one house per lot would be developed. Although City of Modesto regulations allow duplexes on corner lots and second units on interior lots with plot plan approval, the great majority of single-family lots in Modesto develop with only a single home. Exhibit IV-14 identifies potential dwelling units on existing vacant subdivision lots within the City of Modesto.
- b. Vacant Land With Approved Tentative Maps: This category represents land which has an approved tentative subdivision map or other development approval. Because these parcels have definite development plans, it is possible to accurately determine the number of dwelling units that will be built, assuming that development of these residential projects is carried through. Exhibit IV-15 shows the acreage and the number of dwelling units of these approved developments, by zone. Note that there are two approved senior housing projects included.
- c. Vacant Land Without Development Approvals:

This category represents land on which there are currently no approved development proposals. Therefore, it is possible only to estimate the number of dwelling units that could be built on this land.

Exhibit IV-16 shows the potential number of dwelling units that could be developed on this vacant land, if all parcels developed under the existing zoning. The vacant parcels in the category are currently zoned either R-1, R-2, or R-3 (for an explanation of these zones, see Zone in the Glossary). The first column shows gross acreage (that is, raw land,

before street dedications). Then gross acreage is converted to net acreage. In the case of land zoned R-1, it was assumed that 25% of the land would be needed for streets. For land zoned R-2 and R-3, it was assumed that street dedication would be minimal, since apartment projects typically rely on private driveways for internal traffic circulation, rather than public streets. Then, an average density of development (dwelling units net acre) was assumed for each zone, based on development standards for the zone and on existing project densities, to arrive at the number of potential dwelling units.

The above methodology assumes that all vacant parcels will develop by 1997. However, this category of vacant land is composed of infill parcels, and some of these parcels are not likely to develop in the near future. There are a variety of reasons for this, some economic, some relating to the physical characteristics of the parcels, and some due to other factors such as long-time ownership by a family with no intention to develop or sell. It is difficult to estimate how many of these parcels will develop, but probably no more than 50% of the potential 3,600 dwelling units will be built by 1997.

d. Assumptions for Village One

The potential dwelling unit capacity for the Village One Specific Plan area is anticipated to be 7,400 units. The actual number of units achieved will depend, to a great extent, upon the efficiency of land use and the amount of land set aside for local streets. The standard R-1, R-2, and R-3 zoning categories were not used because the range of housing types included a higher number of small lot units. Generally, the Village Residential category would equate to R-1 and the Multi-Family category would equate to R-3 zoning. Exhibit IV-17 shows the estimated number of potential dwelling units within the Village One Specific Plan Area.

e. Assumptions for the Vacant Sites in the Urban Reserve (NE McHenry and Beyer)

The potential dwelling unit capacity for the two remnant neighborhoods: (NE McHenry and Beyer) are anticipated to be 2,129 units (including 247 existing mobilehomes, located within two mobilehome parks that will be included in the annexation). The breakdown is shown on Exhibit IV-18.

f. Assumptions for the Urban Reserve, by Village and Remnant Neighborhood

Exhibit IV-19 shows the buildout estimates for the remaining areas of the Modesto Urban Reserve.

F. HOUSING POLICIES

The following Policies were reproduced, word for word, from the "Action Programs" developed in the 1992 Housing Element. These Action Programs were adopted by the City Council on May 19, 1992. The State Department of Housing and Community Development approved the Action Programs as compliant with State law. These Action Programs are now named and referred to as housing "Policies." Exhibit IV-21 summarizes all of the following housing policies. Exhibit IV-22 depicts a summary of the City's best faith efforts in meeting the overall projected housing needs during the 1992-1999 planning period.

1. Affordable Housing Catalog

Program Description: Existing. Aggressively explore the variety of potential financial housing assistance programs from both the public and private sector to provide more affordable housing units. Update the Village One Affordable Housing Catalog; which highlights all available local, state, federal and private affordable housing programs; to include citywide programs for new housing as well as programs that assist in the conservation and or rehabilitation of existing housing. This catalog should include ways to leverage additional funds to provide an even greater number of affordable housing units.

Time Frame: Ongoing. Update Annually.

Responsible Agency: City Planning

Funding Source: City Staff Time
General Fund, Community Development Block Grants

2. Citywide Housing Trust Fund

Project Description: New. The City shall seek to establish a Citywide Housing Trust Fund whose purpose would be to provide financial support to various housing programs, and to increase the supply of housing affordable to very-low, low- and moderate-income households. The Housing Trust Fund should also seek to improve the neighborhoods and housing conditions of the City's residents who are at or below 80% of the area median income, as established by HUD.

Time Frame: 1993 - Staff to study the feasibility of a citywide program
1994 - Draft Ordinance
1995-1996 - Study Village One Program for Applicability

Responsible Agency: Planning & Community Development Department
Planning Commission, City Council
Redevelopment Agency

Funding Source: Tax increment funds, land sales, home purchase assistance programs, and other future resources that

would increase the supply of low- and moderate-income housing. In addition, the funding sources used uniquely for Village One shall be considered in the near future, for possible use citywide.

3. Community Housing Coalition

Program Description: New. Consider the establishment of a local community housing coalition that may include the following: Realtors, developers, business leaders, environmentalists, low-income housing producers and social service providers. This coalition could meet on semi-annual basis to discuss and exchange information on successful affordable housing programs that can be implemented on a community-wide basis.

Time Frame: 1993-94 Draft proposal

Responsible Agency: City Planning & Community Development Department
Stanislaus County Planning Department
Stanislaus County Housing Authority
Community groups & organizations interested in housing, STANCO, Modesto Association of Realtors

Funding Source: Community Development Block Grants, Private resources

4. Community Reinvestment Act

Program Description: New. The City shall seek to establish a program to work with local Community Reinvestment Act lenders. This program could be the development of a resource list for interested developers builders, as well as commercial lenders interested in funding construction loans for low-income housing. As a result of the passage of the Community Reinvestment Act, many commercial lenders have developed an interest in funding low-income projects, within their local community.

Time Frame: 1992-1993

Responsible Agency: City Planning & Community Development Department
City Finance Department
Local Banks Lenders

Funding Source: General Fund Private resources

5. Comprehensive Housing Affordability Strategy (CHAS)

Program Description: New. HUD requires communities to develop a CHAS in order to apply for certain housing assistance programs. 1991 was the first year in which a CHAS was required. The development of the 1992 CHAS shall be consistent and reflect the policies and programs of the Housing Element.

Preparation of a CHAS acts a jurisdictions "notice of intent" to participate in applying for program funding offered by HUD.

Time Frame: Due annually on October 31st

Responsible Agency: City of Modesto Housing Program Office, Planning and Community Development Department

Funding Source: Community Development Block Grants

6. Density Bonus

Program Description: Existing. Continue to grant density bonuses for the provision of affordable housing units as required by state law. The units shall remain affordable for a minimum of 10 years. For those granted additional incentives, the units must remain affordable for 30 years.

Quantified Objective: 500 new multi-family density bonus units between 1992 and 1997 (or an average of 100 units per year, with rents affordable to those in the lower income categories).

Time Frame: Ongoing, as applications are received.

Responsible Agency: Planning & Community Development Department
Planning Commission
City of Modesto City Council
Stanislaus County Housing Authority (contract monitoring)

Funding Source: General Fund; Applicant for contract monitoring costs

7. Land Banking

Program Description: New. The City shall work towards establishing a land banking program for very-low, low- and moderate-income housing. In this program, the City's Nonprofit Housing Corporation, or Redevelopment Agency would purchase land for affordable housing where there is a reasonable expectation that development will occur there in the short-term future. (The establishment of a Citywide Nonprofit Housing Corporation is listed under Policy 10.)

Time Frame: 1993: Staff Study on feasibility of program
1994: Draft Ordinance
1995: Adopt Ordinance
1996-1997: Purchase sites, if possible

Responsible Agency: City Nonprofit Housing Corporation
City Housing Program Office

City Property Agent
Local Nonprofits (STANCO, Habitat for Humanity)

Funding Source: Initially commitment of planning staff, time, HUD Community Development Block Grants, technical and financial assistance from financial institutions, and possible Redevelopment Funds.

8. Low- and Moderate-Income Housing Fund

Program Description: Existing. State law (AB 265) required that all redevelopment project areas in the state, to set aside 20% of tax increment revenues for increasing and improving the community's supply of low- and moderate-income housing. Furthermore, Chapter 1140, Statutes of 1989 amended the Housing Element Law to require the housing program of an Element to include a description of the use of moneys in the Redevelopment Agency's Low- and Moderate-Income Housing Fund. This fund was established with the adoption of an expanded project area in 1991. It is estimated that over the next five years there will be one million dollars accumulated in this fund. It has not yet been determined how these funds will be used. However, this Housing Chapter proposes several programs (e.g. Policies 11, 13, and 19) that could assist the Redevelopment Agency in increasing and improving the community's supply of low- and moderate-income housing.

Time Frame: To begin when tax increment funds become available (estimated to begin in 1992-1993). When this occurs, the Agency will develop a program which will set forth the means of distributing funds generated by the Redevelopment Agency.

Responsible Agency: Redevelopment Agency

Funding Source: 20% of the tax increment allocated to the Redevelopment Agency.

9. Multi-Family Mortgage Revenue Bonds (MFMRB's)

Program Description: Existing. Continue to participate in mortgage revenue bond programs when market conditions stimulate developer participation. MFMRB's provide tax-exempt low-cost financing to developers of projects who provide a portion of rental units at rents affordable to lower income households.

Time Frame: Re-evaluate annually. At this time, market-rate interest rates are low, so there is little developer interest in the program. However, if interest rates change, this program should be re-evaluated.

Responsible Agency: Stanislaus County Housing Authority
City of Modesto Housing Program Office
Modesto City Council

Funding Source: Community Development Block Grants
Developers pay cost of bond issue

10. Nonprofit Housing Development Corporation

Program Description: New. Establishment of a Nonprofit Housing Development Corporation to promote, assist and or sponsor housing developments in the City of Modesto for lower income families. The City will establish a Nonprofit Housing Development Corporation. The City will develop a citywide publicly-assisted program to be administered by the nonprofit. This present program does not prohibit the City from working with STANCO or other nonprofit housing agencies, nor does it require the creation of a new agency. When this program is implemented, the most effective agency structure will be determined at that time.

Time Frame: 1992-1993: Draft Ordinance and Establish Corporation

Responsible Agency: City of Modesto Housing Program Office
Planning & Community Development Department

Funding Source: Community Development Block Grants, HOME funds

11. Relocation Assistance Program

Program Description: Existing. This program assists residents who may need relocation assistance because of the Redevelopment Agency actions. If relocation is necessary, this program helps to minimize relocation as much as possible by implementing the Agency's relocation guidelines.

Time Frame: Ongoing. The Redevelopment Agency's relocation guidelines were revised and updated on January 28, 1992.

Responsible Agency: Redevelopment Agency

Funding Source: 20% of the tax increment allocated to the Redevelopment Agency

12. Section 8 Certificate Program

Program Description: Existing. Under this program, eligible participants pay a maximum of 30 percent of their income for rent. The program then pays the difference between the rent the participants pay and the total (market rate) rent of the unit.

Quantified Objective: 250 certificates issued (or 50 per year) between 1992-1997, to assist those households in the very-low-income category.

Time Frame: Ongoing. The City will monitor annually the number of Section 8 certificates issued by the Housing Authority.

Responsible Agency: Stanislaus County Housing Authority

Funding Source: HUD

13. Support Nonprofit Housing Sponsors

Program Description: Existing. Support non-profit corporations such as the Stanislaus County Affordable Housing Corporation in their efforts to make housing more affordable to lower- and moderate-income households.

Time Frame: Ongoing, provided as necessary. The City will continue to provide technical or financial assistance to local nonprofit housing sponsors who construct, acquire and or improve lower-and moderate-income housing within the City of Modesto.

Responsible Agency: City of Modesto Housing Program Office
City Council
STANCO, Habitat for Humanity

Funding Source: Community Development Block Grants
20% tax increment funds, Private resources

14. Very-low Income Renters Assistance Program

Program Description: New. Establish a Renters Assistance Program to assist very-low-income households seeking a new rental housing in Village One. Possible very-low-income households needing assistance: senior citizens (Senior housing will be provided in the Village Center, as described in the Village One Specific Plan). If this program proves successful, consideration will be made to establish a program of this nature citywide.

Quantified Objective: Provide assistance to an estimated 138 very-low income households.

Time Frame: 1993-1994 Establish program
1995-1996 Evaluate the success of this program to consider its implementation citywide.

Responsible Agency: Planning & Community Development Department
City Nonprofit Housing Corporation
Stanislaus County Housing Authority

Funding Source: Density Bonus, Community Development Block Grants, HUD Section 8, Section 202 Elderly, HOME funds, Multi-family Mortgage Revenue Bonds

15. Village One Housing Trust Fund Equity Sharing Program

Program Description: New. The City shall draft and adopt an ordinance establishing a Housing Trust Fund Equity Sharing Program, which will be supported by a developer fee based on single-family homes built in excess of 800 square feet. This program will assist eligible low- and moderate-income households with "gap financing," with the City taking an equity share in the home. The funds collected from the Equity Sharing Program will go into the Housing Trust Fund. The program represents the best utilization of local resources and was developed by the Village One Affordable Housing Task Force. In addition, should State or Federal government funds become available, the City will consider applying for these funds to assist in the implementation of this program.

Quantified Objective: Approximately 101 low- and 322 moderate-income first-time homebuyers will be eligible to participate in this program. The City's Housing Program Office will administer and monitor this program. To assure that this program is maintained over the long term funds collected from resales would be recycled in the form of new gap financing loans.

Time Frame: 1992 - Establish Trust Fund Ordinance
1993 - Development begins in Village One, Trust Fund receives first of funding.
1994 - A percentage of low-and moderate-income households are assisted, as funds are accumulated.

Responsible Agency: City of Modesto Housing Program Office Planning & Community Development Department

Funding Source: Single Family builders contribution and Capital gains from resales in Equity Sharing Program

16. HOME Consortium Program

Program Description: New. The City of Modesto will explore participating in the formation of a Consortium for the purpose of seeking increased federal funding under the HOME program. The formation of the Consortium should include other incorporated cities and the County, along with the Stanislaus County Housing Authority. It is assumed that this Consortium could potentially increase the entitlement funding for all members, including the City.

Time Frame: 1992- Explore participating in a Consortium to determine if it is beneficial to the City's entitlement funding will be increased.
1993- If Consortium is beneficial to the City, proceed with the formation and administration.

Responsible Agency: Stanislaus County Housing Authority Planning & Community Development Department Stanislaus County Planning Department Other Incorporated Cities within the County

Funding Source: Initial program start-up would require staff time.

17. Federal Low-Income Tax Credits

Program Description: Existing, but limited source of funding. Encourage the use of Federal Tax credits for the production of low-income housing. City staff will research the use of Federal Tax Credits and request application packets from the Mortgage Bond Allocation Committee; prepare an information summary to inform prospective users of the program.

Time Frame: Prepare List by 1993

Responsible Agency: Planning & Community Development Department Providers of Multi-family Housing

Funding Source: Federal and State Government. (Recognizing the urgent need for housing of larger families, state law requires that priority for tax-exempt funds be given to projects containing three or more bedroom units.)

18. Handicapped Accessible Housing

Program Description: Existing. The City shall continue to comply with the 1988 Fair Housing Access Act, which requires access requirements for disabled and physically handicapped persons for public and multi-family housing.

Time Frame: Ongoing. The City will continue to comply with the 1988 Fair Housing Access Act, as well as any new access requirements that may result from future legislation.

Responsible Agency: City Planning and Building Inspection Divisions and Providers of public and multi-family housing

Funding Source: General Fund
Private Resources

19. Single Room Occupancy

Program Description: New. The City shall develop an ordinance that will encourage the development of single-room occupancy housing units. These units can serve primarily the lower income tenant, and should be located in close proximity of existing social services, such as within the City's urban transitional zones. Development of this program would include the identification of, and the elimination of, any present development regulations which would preclude construction of single-room occupancy projects.

Quantified Objective: 10 new units per year; or an average of 50 new units between 1992 and 1997; which will provide housing to lower income residents.

Time Frame: 1992-1997

Responsible Agency: City of Modesto Housing Program Office, Redevelopment Agency Nonprofit and or For-profit Housing Corporations

Funding Source: HUD Rental Rehabilitation Loans, Federal Emergency Management Agency Funds State Proposition 107 Funds Redevelopment Tax increment Funds

20. Coordination with Agencies Serving the Homeless

Program Description: Existing. The City shall continue to work with agencies such as the County Social Services Department, the Community Temporary Shelter Services Coalition (CTSSC), United Way and the Modesto Gospel Mission on developing housing and employment programs for the homeless.

Time Frame: Ongoing meetings with agencies that assist the homeless.

Responsible Agency: City Housing Program Office, United Way, CTSSC, Homeless Service Providers, Stanislaus County Social Services Dept.

Funding Source: FEMA and HUD Homeless Funds
Community Development Block Grants; United Way

21. State Bond Programs

Program Description: New. In general, the City shall seek to secure state bond financed funds, such as Proposition 84 and 107 Bond funds, which provide financing for several affordable housing programs. One such program makes low interest deferred payment loans to public and private developers to develop affordable rental housing. Prop. 107, the "Housing and Homeless Bond Act of 1988", provides funding for the following: emergency shelters and

transitional housing for homeless persons; the development of new rental housing that meet the needs of the elderly and disabled; the purchase and or rehabilitation of residential hotels; and provides home purchase assistance for first-time homebuyers.

Time Frame: Apply for funding on annual basis

Responsible Agency: City of Modesto Housing Program Office
City Non-profit Housing Corporation

Funding Source: State Bond Funds

22. Transitional Housing Program

Program Description: Existing. The City shall continue to work with HUD and the Community Temporary Shelter Services Coalition in providing transitional shelter (single family residence), and counseling services to homeless families.

Quantified Objective: Seek to provide three (3) more single-family residences between 1992-1997 for families in need of transitional shelter.

Time Frame: Ongoing. The City of Modesto Housing Program Office and the Community Temporary Shelter Services meet or confer on a monthly basis.

Responsible Agency: City of Modesto Housing Program Office and
Community Temporary Shelter Services Coalition

Funding Source: Community Development Block Grants, HUD State
Bond Funds (Prop. 107)
Federal Emergency Management Agency Funds

23. First-time Homebuyer Program

Program Description: New. Develop a Citywide program to assist first-time homebuyers of low- and moderate-income with downpayment assistance. Work with local groups such as the Association of Realtors, Mortgage Lenders Association, Building Industry Association (BIA), Modesto Chamber of Commerce, Affordable Housing Task Force, and others to establish a first-time homebuyers program.

Time Frame: 1992-1993 Contact listed groups for interest

Responsible Agency: City of Modesto Housing Program Office
Planning and Community Development Department,
Association of Realtors, BIA, Chamber of Commerce,
Mortgage Lenders Association

Funding Sources: General Fund, Redevelopment Tax Increment, Private Resources

24. Mortgage Credit Certificates

Program Description: New. Mortgage Credit Certificates allow first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax. Certificates are issued by a local agency (e.g. Housing Authority) and are most applicable for moderate-income households.

Time Frame: 1993: Investigate the use of Mortgage Credit Certificates

Responsible Agency: First-time Homebuyers, Planning & Community Development Department, Stanislaus County Housing Authority

Funding Source: California Debt Advisory Board, Franchise Tax Board

25. New Construction: Moderate and Above Moderate Units

Program Description: Existing. Past results revealed that private sector residential construction activity produced an estimated 9,155 new moderate- and above moderate-income housing units between 1984-1989. It is expected that the building activity in these income categories will continue, although not as many as in the previous years.

Quantified Objective: 5,000 market rate units, (or 1,000 new units per year) to be constructed at prices that meet the incomes of those households in the moderate- or above-moderate-income categories.

Time Frame: 1992-1997

Responsible Agency: Private Sector Developers

Funding Source: None Needed

26. Single Family Mortgage Revenue Bonds (SFMRB's)

Program Description: Existing. Continue to encourage the participation in Single Family Mortgage Revenue Bond programs, when market conditions stimulate developer participation. SFMRB's provide tax-exempt financing to first-time homebuyers.

Time Frame: Re-evaluate annually. At this time, market-rate interest are low, so there is little developer interest in the

program. However, if interest rates change, this program should be re-evaluated.

Responsible Agency: Developers, City of Modesto Housing Program Office, Planning & Community Development Department, Modesto City Council

Funding Source: Program cost borne by developer

27. Identification of Public Surplus Lands

Program Description: New. Establish a program to identify and monitor surplus public lands suitable for residential development. The surplus land could possibly be purchased by the City's Nonprofit Housing Corporation or other housing providers to develop affordable housing. The program will consist of a listing of suitable surplus lands. This listing will be available to local nonprofit housing providers, as well as other agencies interested in the development of affordable housing.

Time Frame: 1992-1994: Identify Surplus Lands & Develop List

Responsible Agency: Planning & Community Development Department, City Property Agent

Funding Source: General Fund

28. Manufactured Housing

Program Description: Existing. Continue to allow manufactured housing mobilehomes in all residential districts provided that it meets the same standards as conventional housing and is placed on a permanent foundation.

Quantified Objective: 10 units per year, which will assist in the provision of affordable housing to those in the low-to moderate-income category.

Time Frame: Ongoing, as applications are received.

Responsible Agency: Planning and Community Development Department

Funding Source: No cost to the City

29. Second Units Accessory Units

Program Description: Existing. Continue to encourage the use of second units in single-family residential areas where additional parking for the second unit is provided, and where the second unit neither adversely affects nor alters the character of the surrounding single-family residence.

Quantified Objective: 10 per year, for a total of 50 units by 1997

Time Frame: Ongoing, as applications are received. Annually monitor the number of applications.

Responsible Agency: Planning & Community Development Department
Planning Commission

Funding Source: No cost to the City

30. Community Housing Resources Board (CHRB)

Program Description: Existing. The Federal Department of Housing and Urban Development in conjunction with the Association of Realtors, recommends the establishment of a local fair housing educational board. This board, appointed by HUD, is comprised of local people in the community interested in fair housing and acts as a referral group.

Time Frame: Ongoing. The City, in conjunction with HUD, and the Modesto Association of Realtors, shall continue working with the Modesto CHRB in order to assist the City in "affirmatively further fair housing".

Responsible Agency: Modesto Association of Realtors, HUD, City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

31. Human Relations Commission

Program Description: Existing. Support the work of the Human Relations Commission, which acts a conduit for fair housing complaints and referral to enforcement agencies. The Commission acts as the first line of referral, in conjunction with the State Department of Fair Employment and Housing. Informational brochures and copies of complaint forms are available throughout the community. The complaint referral process is publicized through the Modesto Bee, the County Library, local schools, and through local housing advocacy groups. The goal of this Commission is to ensure that fair housing opportunities prevail for all City residents.

Time Frame: Ongoing. Commission meetings are held in the City Council Chambers on the third Tuesday of each month, at 5:00 p.m., and are open to the public. Notices of these meetings are posted at various community locations, including City Hall, and are published in the Modesto Bee.

Responsible Agency: City of Modesto Human Relations Commission, City Manager's Office

Funding Source: General Fund

32. Annual Report of General Plan

Program Description: New. In accordance with State law, an annual review of all elements in the General Plan must be reviewed by the City Council. This review must include the progress of the Housing Element in meeting its share of the regional housing needs, along with updates of 1990 Census data, where applicable. In order to fulfill this requirement with regards to the Housing Element, the City will monitor this element, yearly to:

- * check on program implementation
- * update 1990 Census data in sections (such as Overpayment and Income Figures)

After the Annual General Plan Report is reviewed by the City Council, the City will send a copy of this report to the HCD, within 30 days, so that they may review the Housing Element Section. Beyond this review, the City will make any necessary amendments to the General Plan to correct any inconsistencies that are found.

Responsible Agency: Planning and Community Development Department

Time Frame: Annually

Funding Source: General Fund

33. Multi-family Developer Incentive Program

Program Description: Existing. The Stanislaus County Housing Authority and nonprofit sponsors of housing for very-low-income households are exempt from Capital Facilities Fees (developer fees). For multi-family projects with density bonuses, a certain percentage of the projects must serve very-low or low-income households. For these projects, developer construction fees are levied by deferring payment of Capital Facility Fees with twenty percent required down and five years to pay. Fee waivers or deferrals pertain to only the City's fees and do not refer to school district fees.

Quantified Objective: Assist multi-family density bonus project developers with fee deferrals of Capital Facility Fees, for projects serving very-low and low-income households. Approximately 500 lower-income multi-family units, can be assisted by this program, by 1997.

Time Frame: Ongoing, as applications are received and reviewed for compliance.

Responsible Agency: Planning & Community Development Department, City Council

Funding Source: Community Development Block Grants General Fund

34. Priority Processing for Affordable Housing Projects

Program Description: New. Time is a very important factor in the cost a housing project. It is especially important to the economic feasibility of very-low, and low-income housing, thus, the City will give such projects priority in application processing. This priority will extend to building inspections carried out during various phases of the construction process. This priority program will be reviewed by the City Attorney to ensure the legality of such a program.

Time Frame: 1992-1993- Staff to conduct a feasibility study

Responsible Agency: Planning & Community Development Department, City Building Inspection Division, City Attorney

Funding Source: General Fund

35. Reduction of Parking Standards

Program Description: Existing. The City of Modesto allows a reduction in parking standards for senior citizen housing developments. The objective is to match parking standards with need to reduce costs.

Time Frame: Ongoing, as applications are received

Responsible Agency: Planning & Community Development Department

Funding Source: None Needed

36. Streamline Application Process

Program Description: Existing. Continue efforts to streamline and improve the development-review process, as well as eliminate any unnecessary delays and restrictions in the processing of permits for applications and projects submitted.

Time Frame: Ongoing, the City will continue its periodic review of permitting processes.

Responsible Agency: Planning & Community Development Department

Funding Source: General Fund

37. Energy Conservation and Efficiency

Program Description: Existing. Continue to encourage development and construction standards that encourage energy conservation in residential buildings. The City of Modesto Housing Program Office, and agencies such as P.G. & E., and the Modesto Irrigation District, provide no cost or low-cost weatherization and other energy efficient programs to low-income residential households. Public service announcements and brochures are provided to reach the widest possible audience.

Quantified Objective: Assist 50 housing units annually

Time Frame: 1992-1997

Responsible Agency: City of Modesto Housing Program Office, Modesto Irrigation District, Pacific Gas & Electric Company

Funding Source: Community Development Block Grants, Energy grants, Set-aside funds provided by private energy providers

38. California Housing Rehabilitation Program

Program Description: Existing. This program offers housing rehabilitation loans as low as three percent to low-income owner occupants; with a maximum loan amount of \$10,000.

Quantified Objective: 10 units per year, or an average of 50 units between 1992-1997. Note: This objective may be achieved in conjunction with funding from other programs.

Time Frame: Seek funding on annual basis. The City intends to promote and support applications by local nonprofits. The City may submit an application directly to the state in the near future, when a specific project has been determined.

Responsible Agency: State Dept. of Housing and Community Development, City of Modesto Housing Program office

Funding Source: State funds. (State funds are offered on a competitive basis & require leveraging of other funding sources.)

39. Distribution of Energy Savings Devices

Program Description: Existing. The City will continue to distribute smoke detectors, water heater blankets, and anti-siphon backflow devices for hose bibs, free of charge to rehabilitation clients. Also, to continue the maintenance of safe and decent housing and by contributing to energy savings and safety.

Quantified Objective: Installation of 20 devices per year (1992-1997)
Time Frame: Distributed on an ongoing basis, to rehabilitation clients.
Responsible Agency: City of Modesto Housing Program Office
Funding Source: Community Development Block Grants

40. Education of Available Rehabilitation Programs

Program Description: Existing. Continue to educate and inform all major ethnic groups and groups representing handicaps in the community of available rehabilitation programs through neighborhood and community organizations, and by using the most effective media.

Time Frame: Brochures and information are distributed on an ongoing basis.
Responsible Agency: City of Modesto Housing Program Office
Local Neighborhood and Community Groups
Funding Source: Community Development Block Grants

41. Housing Condition Survey

Program Description: Existing. Continue to maintain a current housing condition survey of all housing units within the City. Also, an updated number of units in need of rehabilitation or replacement should be included.

Quantified Objective: Applies to all housing units within the City of Modesto.
Time Frame: Ongoing, updated on a monthly basis.
Responsible Agency: Planning and Community Development Department
Funding Source: General Fund

42. Rental Rehabilitation Program

Program Description: Existing. The City's Housing Program Office provides financial assistance to owners of rental property to rehabilitate substandard units, in order to ensure that rental units are affordable to low-and moderate-income families.

Quantified Objective: 10 low- to moderate-income rental units per year (or a total of 50 units between 1992 and 1997).
Time Frame: Ongoing, this program is monitored monthly.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: HUD Rental Rehabilitation Funds, Community Development Block Grants and HOME Funds

43. Water Conservation Program

Program Description: New. The City will consider the initiation of a water conservation program. The purpose of this program would be to install and encourage the use of water conservation devices and measures in all houses rehabilitated under the City's housing rehabilitation programs.

Quantified Objective: When program is established, assist 250 households with water conservation devices.

Time Frame: By 1992-1993, consider the establishment such a program
By 1994-1997, implement program, if established

Responsible Agency: City of Modesto Housing Program Office, City Public Works (Water Conservation Division)

Funding Source: Community Development Block Grants

44. Emergency Home Repair Program

Program Description: Existing. Low interest loans, to repair immediate critical hazards for Modesto residents with very-low incomes, are available through the City's Housing Program Office.

Time Frame: Ongoing, as emergency requests are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

45. Handicapped Barrier Removal Program

Program Description: Existing. This program provides free technical advice on removing mobility barriers from home or property. Low interest financing is also available to handicapped homeowners living in Modesto, to assist them with removing mobility barriers from their home or property.

Time Frame: Ongoing, as requests are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

46. Home Emergency Loan Program (H.E.L.P)

Program Description: Existing. This program is designed to correct substandard housing conditions and eliminate health and safety hazards. Low interest loans are available through the City's Housing Program Office for homeowners with incomes that fall into the 50-80% median area income, as determined annually by HUD.

Time Frame: Ongoing, as applications are received.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

47. Housing Maintenance Program

Program Description: Existing. This program is designed to eliminate health and safety hazards within neighborhoods targeted for rehabilitation within the City of Modesto. The City's Housing Program Office provides technical and financial assistance to property owners required to make repairs ordered by the City's Building Division. This program is mandatory to ensure that an entire neighborhood, not just a few select properties, would undergo revitalization to meet requirements of the City's Housing Code.

Quantified Objective: Annually Assist 120 very-low-and low-income target households with rehabilitation assistance, for a total of 600 units between 1992 and 1997.

Time Frame: Ongoing, this program is monitored on a monthly basis.

Responsible Agency: City of Modesto Housing Program Office

Funding Source: Community Development Block Grants

48. Coordination with HUD to Monitor At-Risk Projects

Program Description: Existing. The City of Modesto will continue to work with HUD, to ensure that any notification of potential sales of at-risk units re forwarded to the City. Any owners of projects at-risk of conversion must notify HUD of any impending sales or conversion and if they plan to prepay their mortgage and or if they decide not renew their Section 8 contracts.

Quantified Objective: During 1992 to 1997, there are 513 Federally subsidized units potentially "at-risk" of converting to non-low-income uses. These projects will be closely monitored.

Time Frame: August 1992: El Casa Verde I and II (221(d)(3) and are subject to the Low-Income Housing Preservation Act (LIHPRHA)

1993: Cameron Villa Apartments (221(d)(4) and
Parkview Christian Estates (231)
1994: Neighborhood Manor (231)
1995: Vinewood Apartments (221(d)(4)
1996: Ralston Towers (236(j)(1)

Responsible Agency: City of Modesto Housing Program Office HUD

Funding Source: Community Development Block Grants, HOME Funds

49. Coordination with Other Agencies to Monitor At-Risk Projects

Program Description: Existing. The City of Modesto Housing Program Office will continue to work with the California Housing Partnership Corporation (CHPC). The CHPC provides support to localities and nonprofit housing corporations in addressing a wide range of preservation opportunities. The time frame below reflects a listing of Federally subsidized projects monitored by the CHPC. Policy 48 lists the number of projects "at-risk" of conversion from 1992 to 1997.

Time Frame: August 1992: El Casa Verde I and II (221(d)(3) and are subject to the Low-Income Housing Preservation Act (LIHPRHA)
1993: Cameron Villa Apartments (221 (d)(4) and Parkview Christian Estates (231)
1994: Neighborhood Manor (231)
1995: Vinewood Apartments (221(d)(4)
1996: Ralston Towers (236(j)(1)

Responsible Agency: City of Modesto Housing Program Office & CHPC

Funding Source: Community Development Block Grants

50. Monitor At-Risk Projects

Program Description: Existing. The City of Modesto Housing Program Office shall continue to monitor the at-risk assisted housing projects on annual basis. The City will keep in touch with the necessary agencies and sources, such as the Housing Authority, the owners of the at-risk units, HCD and HUD. This contact is essential and will help the city to be aware of any situation where assisted units are in danger of converting to non-low-income housing uses. The City will annually monitor the status of the Section 8 renewal contracts and HUD assisted units. The City will also continue to work with the Stanislaus County Housing Authority to develop contingency plans as needed if contracts are not renewed.

Quantified Objective: From 1992 - 1997, a total of 706 potential units "at-risk" need to be monitored. See below for annual breakdown.

Time Frame: August 1992: El Casa Verde I and II: 142 Units (221(d)(3): [Subject to the Low-Income Housing Preservation Act (LIHPRHA)})
1993: Cameron Villa Apartments: 68 Units (221(d)(4) Parkview Christian Estates: 99 Units (231)
1994: Neighborhood Manor: 20 Sect. 8 Units (231)
1995: Vinewood Apartments: 75 Units (221(d)(4) 104 MF Mortgage Revenue Bond Units At-risk 3 Density Bonus Units At-risk
1996: Ralston Towers (236(j)(i) 84) MF Mortgage Revenue Bond Units At-risk 2 Density Bonus units at risk

Responsible Agency: City of Modesto Housing Program Office, Redevelopment Agency, County Housing Agency, County Housing Authority, HCD, HUD

Funding Source: Community Development Block Grants, HOME Funds

Additional Potential Resources: Redevelopment 20% Set-Aside Tax Increment, Stanislaus County Housing Authority Reserves. Refer to Housing Element Chapter 3.0, Preservation of At-Risk Housing Units.

G. STRUCTURE OF TECHNICAL APPENDIX

The Technical Appendix for the Housing segment of this General Plan has been expanded and now consist of two parts.

Appendix A is the actual 1992 Housing Element Technical Appendix left intact. For overall completeness, the 1992 Housing Element is included as Appendix B.

The City's Housing policy directions will continue to be included in the text of the General Plan. The Appendices A and B are included to provide background information.

H. HOUSING EXHIBITS

Following are the Exhibits referred to in this Chapter. All of the Exhibits were included in the 1992 Housing Element.

MODESTO CITY COUNCIL
RESOLUTION NO. 92- 273

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN
BY ADOPTING THE 1992 REVISION TO THE HOUSING ELEMENT

WHEREAS, the City of Modesto's existing Housing Element was last updated in 1984, and was prepared and adopted pursuant to State law at that time; and

WHEREAS, Article 10.6 of the State of California Government Code requires each local government to review its housing element periodically and to revise its housing element not less than every five years; and

WHEREAS, the updated Housing Element is a statement of current housing needs in the Modesto Urban Area and sets forth probable solutions and housing goals for such urban area; and

WHEREAS, Government Code Section 65588(b), requires that the City of Modesto adopt an updated Housing Element by July 1, 1992; and

WHEREAS, the Environmental Assessment Committee on February 26, 1992, concluded that the 1992 Housing Element would have no significant effect upon the environment and recommended adoption of a Negative Declaration; and

WHEREAS, City staff sought citizen participation in the preparation and review of the 1992 Housing Element, including a joint City Council and Planning Commission meeting, held on March 24, 1992; and

WHEREAS, the Planning Commission held a public hearing on April 20, 1992, on an amendment to the Modesto Urban Area General Plan to add the updated 1992 Housing Element, at which hearing evidence, both written and oral, was received and considered; and

WHEREAS, the Planning Commission by Resolution No. 92-17, adopted on April 20, 1992, recommended to the City Council the approval of the Negative Declaration as complete and in compliance with the California Environmental Quality Act; and

WHEREAS, the State Department of Housing and Community Development (HCD) has reviewed the 1992 Housing Element of the Modesto Urban Area General Plan and has recommended certain changes therein; and

WHEREAS, the City Council has considered HCD's findings and has incorporated them into the 1992 Housing Element, together with comments from the general public so as to substantially comply with the requirements of Article 10.6 of Chapter 3 of Division 1 of Title 7 of the Government Code; and

WHEREAS, the Planning Commission adopted Resolution No. 92-17 on April 20, 1992, which recommended adoption of the 1992 Housing Element of the Modesto Urban Area General Plan; and

WHEREAS, the Modesto City Council held a duly noticed public hearing, on May 19, 1992, at which time and place evidence both oral and written was received and considered; and

WHEREAS, the City Council has received and reviewed the findings of the City of Modesto Environmental Assessment Committee, which resulted in a Negative Declaration; and

WHEREAS, the City Council finds that the attached 1992 Housing Element is consistent with all other Elements of the Modesto Urban Area General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that adoption of the 1992 Housing Element as part of the Modesto Urban Area General Plan is appropriate for the following reasons:

SECTION 1: That the Negative Declaration prepared for this project is complete and in compliance with the California Environmental Quality Act.

SECTION: 2: That the 1992 Housing Element is consistent with all other elements of the Modesto Urban Area General Plan.

SECTION 3: That the adoption of the 1992 Housing Element to replace the existing 1984 Housing Element of the Modesto Urban Area General Plan is required for the public health, safety and general welfare.

BE IT FURTHER RESOLVED by the Council that it does hereby amend the Modesto Urban Area General Plan by adopting the 1992 Housing Element, attached as Exhibit "A", which supersedes the 1984 Housing Element.

BE IT FURTHER RESOLVED that the Council rescinds City Council Resolution No. 84-462 which adopted the "Housing Element of the Modesto Urban Area General Plan".

BE IT FURTHER RESOLVED that the 1992 Housing Element substantially complies with the requirements and guidelines adopted by the State Department of Housing and Community Development, pursuant to Housing Element Law Article 10.6 and Section 50549 of the Health and Safety Code.

BE IT FURTHER RESOLVED by the Council that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the amendment to the Housing Element of the Modesto Urban Area General Plan.

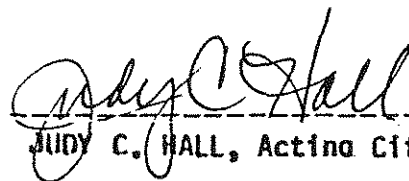
BE IT FURTHER RESOLVED that the City Clerk is hereby directed to certify a copy of said updated Housing Element of the adopted General Plan to the Board of Supervisors of the County of Stanislaus, the City Council of the City of Ceres, and the City Council of the City of Riverbank.

BE IT FURTHER RESOLVED that this resolution shall become effective 30 days after adoption.

The foregoing resolution was introduced at the regular meeting of the Modesto City Council held on the 19th day of May, 1992, by Councilmember Patterson, 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:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	None
ABSENT:	None

ATTEST:


JUDY C. HALL, Acting City Clerk

APPROVED AS TO FORM:

BY:


STAN T. YAMAMOTO, City Attorney

WSN/BS/MB

Attachment: 1992 Housing Element

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HOUSING POLICY DEVELOPMENT

1800 THIRD STREET, Room 430
P.O. BOX 952053
SACRAMENTO, CA 94252-2053
(916) 323-3176 FAX (916) 323-6625



May 20, 1992

Mr. Edward J. Tewes
City Manager
City of Modesto
801 Eleventh Street
P.O. Box 642
Modesto, CA 95353

Dear Mr. Tewes:

Re: Review of City of Modesto's Revised Draft Housing
Element

Thank you for submitting Modesto's revised draft housing element, received for our review on April 20, 1992. As you know, we are required to review draft housing elements and report our findings to the locality (Government Code 65585(b)).

The revised element adequately addresses all of the comments of our March 26, 1992 review letter on the February 1992 draft element. For example, the revised draft includes more complete information on the availability of residential development sites, quantified objectives by income level, and more specific program implementation timelines.

We are therefore pleased to find that, upon adoption of the revised draft, the element will continue to comply with state housing element law (Article 10.6 of the Government Code). The housing element, which now includes adequate analysis and programs for preservation of assisted units, must be adopted by July 1, 1992, pursuant to Government Code Section 65583(d).

We commend the City for successfully building consensus for an innovative approach to accommodating new development in Village One and subsequent "villages". The significant proportion of single-family lots planned for lot sizes of 5,000 square feet and less should facilitate housing affordability. As the City has been accommodating new residential construction affordable to lower- and moderate-income households, we encourage strong marketing of programs targeted to very low-income households in particular, i.e., the Multifamily Developer Incentive Program.

Mr. Edward J. Tewes
Page Two

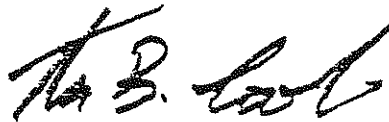
We are pleased to note the Planning Department appears to have established methodology for monitoring progress in addressing the Regional Housing Need Allocation by unit type and income level, as reflected in Section 7 of the element. The draft element also includes exemplary accounting of local resources.

Your staff -- Marjorie Blom in particular -- has demonstrated diligent effort to understand and present housing element law in a meaningful manner for policy development by the City. The most recent revisions in response to our comments and those of the public were relevant, timely, and clearly presented, thereby facilitating our review.

We look forward to receiving a copy of the City's adopted housing element (pursuant to Section 65585(a) and (h)) and wish you success in implementing your housing element programs, particularly the new program initiatives. Please contact Cam Cleary (916) 323-3185) if we can assist your efforts.

In accordance with requests pursuant to the Public Records Act, we are forwarding a copy of this letter to the individuals listed below.

Sincerely,



Thomas B. Cook
Deputy Director

Enclosure

cc: William Nichols, Director, Planning Development
Marjorie Blom, Assistant Planner
Carol Whiteside, Resources Agency
Ricardo Cordova, California Rural Legal Assistance
Joanne Nugent, Self-Help Enterprises
Greg Steele, Stanislaus Area Association of Governments
Kathleen Mikkelson, Deputy Attorney General
Bob Cervantes, Governor's Office of Planning and Research
Richard Lyon, California Building Industry Association
Kerry Harrington Morrison, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Wiener, California Coalition for Rural Housing
Susan DeSantis, The Planning Center

**Exhibit IV-3
Summary of Special Needs Groups**

<u>Special Needs Group</u>	<u>Number of Persons/Households</u>	<u>% of Total Population/ Households</u>
Elderly -- ages 60+ (a)	22,915 (P)	14%
Handicapped --ages 16-64 (b)	13,590 (P)	8%
Large Families (a)	7,671 (H)	13%
Farmworkers (c)	244 (H)	.04%
Homeless (a)	248 (P)	.01%
Female-headed Households (a)	15,987 (H)	28%

Source: (a) 1990 Census, (b) City Planning Estimate, 1991, (c) SAAG Regional Housing Needs Report, 1990. NOTE: Percentages will not total 100% since each category is not mutually exclusive. A single household may appear in more than one category. (P) -- # of Persons, (H) -- # of Households.

Exhibit IV-4
**Five-Year Inventory (1992-1997) of Low-Income Rental Units
 Subject to Termination of Federal Mortgage and/or Rent Subsidies**

Project Name Address, Zip	Owner Name Address, Zip	FHA Project/ Section	Section 8 Contract # and Type	Total FHA Units/Total Sec. 8 Units /Total Units	Earliest Termination Date: FHA and/or Section 8
El Casa Verde I 1513-B Robertson Rd. Modesto, 95351	W. Glenn Nobmann PO Box 235 Richmond, 94808	221 (d)(3) Mkt Rate <u>MF*</u>	Existing	FHA -110 <u>Sec. 8 -110</u> 110 Total	Sec. 8: 8/13/1992
El Casa Verde II 1513-B Robertson Rd. Modesto, 95351	W. Glenn Nobmann PO Box 235 Richmond, 94808	221(d)(3) Mkt Rate <u>MF</u>	Existing	FHA -32 <u>Sec. 8 -32</u> 32 Total	Sec. 8: 8/13/1992
Cameron Villa Apts. 160 Mark Randy Place Modesto, 95350	Consolid. Properties 2001 N. Van Ness Fresno, 93704	221(d)(4) <u>MF</u>	New Con.	FHA -68 <u>Sec. 8 -68</u> 68 Total	Sec. 8: 3/27/1993
Parkview Christian Estates 3112 Napier Drive Modesto, 95351	Parkview Christian 3112 Napier Drive Modesto, 95351	231 Elderly	Existing	FHA -99 <u>Sec. 8 -60</u> 99 Total	Sec. 8: 12/31/1993
Neighborhood Manor 1200 Woodrow Ave. Modesto, 95350	Nghbrhd Manor 1200 Woodrow Ave. Modesto, 95350	231 Elderly	Existing	FHA -104 <u>Sec. 8 -20</u> 104 Total	FHA: 4/03/2009 Sec.8: 5/22/1994
Vinewood Apartments 2600 Standiford Modesto, 95350	Am Diversified 3200 Park Center, S. Costa Mesa, 92626	221(d)(4) <u>MF</u>	New Con.	FHA -75 <u>Sec. 8 -75</u> 75 Total	Sec. 8: 3/06/1995
Ralston Tower 900 17th Street Modesto, 95354	Mdsto Affl Hsg 900 17th Street Modesto, 95354	236(J)(1) Elderly	Section 8 Existing	FHA -180 <u>Sec. 8 -109</u> 180 Total	FHA: 2/15/2025 Sec. 8: 8/13/1996

*MF= Multi-family Housing Projects

Exhibit IV-5
**Inventory of Low-Income Rental Units Subject to Termination
of Federal Mortgage and/or Rent Subsidies, 1997-2002**

Project Name Address, Zip	Owner Name Address, Zip	FHA Project/ Section	Section 8 Contract # and Type	Total FHA Units/Total Sec. 8 Units /Total Units	Earliest Termination Date: FHA and/or Section 8
Yosemite Gardens 2833 Yosemite Blvd. Modesto, 95351	Lincoln Yosemite 553 Pilgrim Drive Foster City, 94404	221(d)(4) <u>Multi-</u> <u>family</u>	New Con.	FHA -217 <u>Sec. 8 -44</u> 217 Total	Sec. 8: 5/01/2001

Exhibit IV-6
Annual Summary of At-Risk Projects to 1992 - 1997

<u>Year</u>	<u>Elderly</u>	<u>Non-Elderly</u>
1992	--	142
1993	99	68
1994	20	--
1995	--	182
1996	109	86
1997	--	--
TOTAL	228	478

Exhibit IV-7
**Bond Financed and Density Bonus Projects
 At-Risk of Conversion Between 1992-2002**

Project Name and Location	Type of Program Assistance	Number of Affordable Units At-Risk	Years to Monitor	Date of Expiration
Oakhaven 2112 Floyd Avenue	MF Mortgage Revenue Bonds	10 Low-income 10 Very Low-income	10	3/1995
Westdale Commons 4121 Dale Road	MF Mortgage Revenue Bonds	44 Low-income	10	8/1/1995
Stonebridge 2800 Braden	MF Mortgage Revenue Bonds	58 Low-income	20	3/1/2006
Valley Oaks 2300 Oakdale Road	MF Mortgage Revenue Bonds	21 Low-income 21 Very Low-income	15	11/1/2000
Park Lakewood 1500 Lakewood	MF Mortgage Revenue Bonds	12 Low-income 12 Very Low-income	10	4/1996
Meadow Lake 1401 Lakewood	MF Mortgage Revenue Bonds	20 Low-income 20 Very Low-income	10	8/1/1995
Shadowbrook 3001 Hahn	MF Mortgage Revenue Bonds	30 Low-income 30 Very Low-income	10	8/1/1996
Live Oak 1900 Oakdale Road	MF Mortgage Revenue Bonds	66 Very-low income	15	8/1/2003
Ken Diehl Project location-	Density Bonus 1317 Carver Rd., Mod.	1 Very-low income	10	7/1995
Ken Diehl Project location-	Density Bonus 1535 Rose, Modesto	2 Very-low income	10	9/1/1996
Irwin Steinpress Project location-	Density Bonus 601 N. Emerald, Mod.	2 Very-low income	10	8/1995

Exhibit IV-8
**Section 8 Moderate Rehabilitation Units
 At-Risk of Conversion in 1998-99
 (within the City of Modesto)**

Project Location(s)	Owner Name	Earliest Date of Termination	Number of Units
406, 408, 410, 412, 414, 416, 418, 420, and 422 Sierra Ave.	Robert Redenbaugh	5/12 thru 11/17/1998	9
1433, 1433 1/2,	Domingo Sanchez	2/28/1998	2
800 Sutter (A, B, C & D) 804 Sutter (A, B, C, & D)	Lee Ayers	11/03/1998	4 4
808 Sutter (A, B, C, & D) 812 Sutter (A, B, C, & D)	Lee Ayers	11/25/1998	4 4
816 Sutter (A, B, C, & D) 820 Sutter (A, B, C, & D)	Lee Ayers	10/06/1998	4 4
824 Sutter (A, B, C, & D) 828 Sutter (A, B, C, & D)	Lee Ayers	09/21/1998	4 4
808 A, 812 A & B, 816 A & B, 820 A & B, 824 A & B, and 828 A & B Clementa	Lee Ayers	08/22/1998	11
722 7th Street (#'s 1-4)	Jeffrey Pierce	08/12/1998	4
318 and 318 1/2 Laurel	Leon Schaeffer	01/31/1999	2

Exhibit IV-9
**Total Costs for a New 1,200 Square-Foot
 Single Family Home, 1988-1990**

1,200 SQUARE-FOOT HOUSE			
	<u>1988 Cost</u>	<u>1989 Cost</u>	<u>1990 Cost</u>
Hard Cost	\$38,044	\$40,800	\$42,800
Soft Cost	11,527	12,670	13,300
Land Cost	21,400	32,000	40,000 (1)
Fees	4,204	5,104	7,604
Profit	\$6,625	6,926	7,272
TOTAL	\$81,800	\$97,500	\$110,976

(1) based on \$120,000 an acre plus improvements

Source: Building Industry Association of Central California

Exhibit IV-10
**Total Costs for a New 2,200 Square-Foot
 Single Family Home 1988-1990**

2,200 SQUARE FOOT-HOUSE			
	<u>1988 Cost</u>	<u>1989 Cost</u>	<u>1990 Cost</u>
Hard Cost	\$68,800	\$73,600	\$77,300
Soft Cost	14,900	16,400	17,200
Land Cost	21,400	32,000	40,000 (1)
Fees	5,800	6,700	9,200
Profit	12,300	13,100	13,700
TOTAL	\$123,200	\$141,800	\$157,400

(1) based on \$120,000 an acre plus improvements

Source: Building Industry Association of Central California

Exhibit IV-11
Developer Fees, 1991

<u>City CFF</u>	<u>Dwelling Unit Type</u>	<u>County PFF</u>	<u>Total</u>
\$5,275	Single-family residence	\$3,484	\$8,759
\$4,029	Mobile home, each unit of a duplex	\$2,288	\$6,217
\$3,338	Multiple family unit	\$2,288	\$5,626
\$2,641	Multiple family unit limited to occupancy by senior citizens	\$1,871	\$4,512
<u>Estimated Fees For New Growth Areas*</u>			
\$18,700	Single Family home		
\$13,700	Multi-family unit		

*Includes CFF and PFF and potential school fees.

Exhibit IV-12
Local Processing and Permit Procedures

<u>Application</u>	<u>Approximate Processing Time (In Weeks)</u>	<u>Application Fee</u>
P-D Zoning	18-20	\$885.00
Amend P-D Zone pursuant to Sec. 10-2.1709(b)	18-20	885.00
Amend P-D Zone pursuant to Sec. 10-2.1709(a)	12-14	635.00
Rezoning	18-20	800.00
Plot Plan Review		
for a satellite antenna for a single-family house	9-12	110.00
second-story addition	4	245.00
all other plot plan reviews	9-12	440.00
Conditional Use Permit	9-12	635.00
Variance		
on a lot with a single-family house in the R-1, R-2, or R-3 zone	9-12	165.00
all others	9-12	675.00
Administrative Approval Revised Plans	1-2	20% of application fee
Tentative Subdivision Map	9-11	585.00
Tentative Parcel Map	9-11	530.00
Reversion to Acreage	9-11	515.00
Parcel Map Waiver	9-11	515.00
Lot Line Adjustment	4	120.00
Time Extension	9-11	125.00
Environmental Assessment		
initial study	3	415.00
staff evaluation special studies	2	380.00
Appeals	4-8	100.00
(of Planning Commission, Board of Zoning Adjustment, or staff decisions)		
Annexation	20	435.00
Abandonment		
(authority: C/C Res. No. 90-925		
abandonment of Right of Way	18-20	695.00
walkway abandonment	18-20	115.00

Exhibit IV-13
**Estimated Number of Potential Dwelling Units Within the
 Village One Specific Plan Area By Housing Type**

<u>HOUSING TYPE</u>	<u>UNITS</u>	<u>NET ACRES</u>
Ranchettes	80	45
Single-Family		679
on lots less than 5,000 s.f.	1,975	
on lots 5,000 s.f.	1,300	
on lots greater than 5,000 s.f.	2,150	
Multi-Family		79
senior housing	375	
multi-family	1,470	
mixed-use	50	
TOTAL	7,400	803

Exhibit IV-14
**Potential Dwelling Units on Existing
Vacant Subdivision Lots, Within the City of Modesto**

Total Acreage	Total Number of Lots	Total Potential Dwelling Units
292.7	1,447	1,447

Exhibit IV-15
**Potential Dwelling Units on Land With Approved Tentative Maps
or Other Development Approvals, Within The City of Modesto**

Zoning of Approved Projects	Acreage	Housing Units
R-1	74.9	447
R-2	7.1	76
R-3	16.5	96
Senior	6.2	189
TOTAL	104.6	808

Exhibit IV-16
**Potential Dwelling Units on Vacant Land
 Without Development Approvals, Within the City of Modesto**

Zone	Gross Acres	Net Acres	Average Density (dwell. units/net ac.)	Total Dwelling Units
R-1	343.1	257.3 *	6	1,544
R-2	50.6	48.1 *	14	673
R-3	61.9	58.8 *	25	1,471
TOTAL	455.6			3,687

* For land zoned R-1, 25% is assumed for street dedication. For R-2 and R-3 land, 5% street dedication is assumed. See text.

Exhibit IV-17
Estimated Number of Potential Dwelling Units
Within the Village One Specific Plan Area

<u>Land Use Category</u>	<u>Units</u>
Very Low Density	80
Village Residential	5,425
Multi-Family	1,520
Senior Housing	375
TOTAL	7,400

Exhibit IV-18
Development Potential of Vacant Sites in Remnant Areas

Zone	Gross Acres	Net Acres	Average Density (du/net ac.)	Estimated Total Dwelling Units
R-1	118	96.3	6	578
R-2	62.5	53.7	12	644
R-3	32	28.6	23	660
TOTAL	212.5	178.6	--	1,882
Other Residential Mobilehomes (Existing)	25 acres			247

Source: LAFCO County of Stanislaus Draft Environmental Impact Report, Claratina-Coffee (NE McHenry) Reorganization and North Beyer Park Reorganization, February 1992.

Exhibit IV-19
Buildout Estimates for the Urban Reserve

VILLAGE	COMPONENT NEIGHBORHOODS	ESTIMATED HOUSING UNITS
Village No. 2	Empire West	3,386
Village No. 2	Fairview	2,630
Village No. 3	Oakdale	2,855
	Mable	2,650
	Plainview	1,935
	Santa Fe	<u>2,733</u>
	TOTAL	10,173
Village No. 4	West Maze	1,628
	Vineyard	3,311
	Paradise West	<u>2,039</u>
	TOTAL	6,978
Village No. 5	Morrow	2,425
	Stanislaus	<u>2,599</u>
	TOTAL	5,024
Village No. 6	Kiernan	1,253
Village No. 7	Claribel	2,111
	Hetch Hetchy	<u>2,772</u>
	TOTAL	4,883
*	McKinney Colony	1,300
*	Aqueduct	1,865
*	Northwest McHenry	373
*	Northeast McHenry	1,104
*	Beyer	1,450
	GRAND TOTAL	40,419

*Remnant Neighborhoods. Because of location, size, and history, these areas are not part of any Village.

Exhibit IV-20
HOUSING POLICIES SUMMARY

Programs	Rehabilitation, New Construction, or Conservation	Number of Units/Households Assisted	Targeted Income Group
1a.1 Affordable Housing Catalog	Benefits All Types of Housing	Citywide*	All Income Groups
1a.2 Citywide Housing Trust Fund	Benefits All Types of Housing	Citywide	Very-low to Moderate Incomes
1a.3 Community Housing Coalition	Benefits the Development of Affordable Hsg.	Citywide	Lower Income Groups
1a.4 Community Reinvestment Act	Benefits the Development of Affordable Hsg.	Citywide	Very-low to Low-Income
1a.5 Comprehensive Housing Affordability Strategy	Focus on Rehabilitation	Citywide	Very-low to Low-Income
1a.6 Density Bonus	New Construction	500 Units	Very-low to Low-Income
1a.7 Land Banking	New Construction	Citywide	Very-low to Moderate
1a.8 Low/Mod. Housing Fund (Redevelopment Agency)	New Construction and Rehabilitation	Citywide	Low and Moderate
1a.9 Multi-Family Mortgage Revenue Bonds	New Construction	Citywide	Very low- to Low-Income
1a.10 Nonprofit Housing Development Corporation	New Construction and Rehabilitation	Citywide	Very-low to Low-Income
1a.11 Relocation Assistance Program (Redev. Agency)	Not Applicable	Citywide	All Income Groups
1a.12 Section 8 Certificates	New Construction	Assist 250 Households	Very-low Income
1a.13 Support Nonprofit Housing Sponsors	New Construction and Rehabilitation	Citywide	Very-low to Moderate Income
1a.14 Village One VLI Renters Assistance Program	New Construction	138 Households	Very-low Income
1a.15 Village One Hsg Trust Fund/Equity Sharing	New Construction	423 Households	101 Low-Income 322 Moderate
1a.16 "HOME" Consortium Program	Rehabilitation, Conservation, New Construction	Citywide	Very-low to Low-Income
1b.1 Federal Low-Income Tax Credits	New Construction	Citywide	Low-Income
1b.2 Handicapped Accessible Housing	New Construction and Rehabilitation	Citywide	All Income Groups
1b.3 Single Room Occupancy	New Construction	50 Units	Very-low and Low-Income

*Certain Housing Programs will apply Citywide and are not targeted towards specific households to be assisted. Nevertheless, these programs represent a significant commitment to affordable housing.

HOUSING POLICIES SUMMARY (cont.)

	Programs	Rehabilitation, New Construction, or Conservation	Number of Units/Households Assisted	Targeted Income Group(s)
1b.4	Coordination w/Agencies Serving the Homeless	Not Applicable	Citywide	Very-low to Moderate-Income
1b.5	State Bond Programs	New Construction, Rehab. & Conservation	Citywide	Very-low and Low-Income
1b.6	Transitional Housing	Conservation: Existing leased units from HUD	3 Households	Very-low to Low-Income
1c.1	First-time Homebuyer Program	New Construction and Rehabilitation	Citywide	Lower to Moderate Income Groups
1c.2	Mortgage Credit Certificates	New Construction	Citywide	Low to Moderate Income
1c.3	Market Rate Program	New Construction	5,000 Units	Moderate to Above Moderate
1c.4	Single Family Mortgage Revenue Bonds	New Construction	Citywide	Low- to Moderate Income
1d.1	Identification of Surplus Public Lands	New Construction	Citywide	All Income Groups
2a.1	Manufactured Housing	New Construction	Citywide	Low to Moderate
2a.2	Second Units	New Construction	50 Units	Lower Incomes
2b.1	Community Housing Resources Board	New and Existing Housing	Citywide	Fair Housing for All Incomes
2b.2	Human Relations Commission	New and Existing Housing	Citywide	Applies to All Income Groups
2c.1	Annual Report of the General Plan	Not applicable	Citywide	Applies to All Income Groups
2c.2	Multi-family Developer Incentive Program	New Construction	Citywide	Very-low to Low-Income
2c.3	Priority Processing for Affordable Housing	New Construction	Citywide	Very-low to Low -Income
2c.4	Reduction of Parking Standards	New Construction-- Senior Citizen Projects	Citywide	Very-low to Low-Income
2c.5	Streamline Application Process	New Construction	Citywide	All Income Groups
2d.1	Energy Conservation & Efficiency	New Construction and Rehabilitation	Assist: 125 New & 125 Rehab. Units	Low- Income
3a.1	State of CA Housing Rehabilitation Program	Rehabilitation	50 Housing Units	Low-Income
3a.2	Distribution of Energy Savings Devices	Rehabilitation	Assist 100 Households	Very-low to Low-Income

HOUSING POLICIES SUMMARY (cont.)

Programs	Rehabilitation, New Construction, or Conservation	Number of Units/Households Assisted	Targeted Income Group(s)
3a.3	Rehabilitation Education	Rehabilitation	Citywide Very-low to Moderate Incomes
3a.4	Housing Condition Survey	Rehabilitation	All Income Groups
3a.5	Rental Rehab. Program	Rehabilitation	50 units Very-low to Low-Income
3a.6	Water Conservation	Rehabilitation	250 Households All Income Groups
3b.1	Emergency Home Repair	Rehabilitation, Conservation	Assists all very- low income units Very-low Income
3b.2	Handicapped Barrier Removal Program	Rehabilitation, Conservation	All Handicapped Homeowners All Income Groups
3b.3	Home Emergency Loan Program	Rehabilitation, Conservation	Assists Homeowners Low-Income
3b.4	Housing Maintenance Program	Rehabilitation, Conservation	600 Housing Units Very-low to Low- Income
3c.1	Coordination w/ HUD to Monitor At-Risk Units	Conservation of Existing Units	Monitor 513 HUD subsidized units 1992 to 1997 Very-low to Low- Income
3c.2	Coordination w/Agencies to Monitor At-Risk Units	Conservation of Existing Units	All At-Risk Units Very-low to Low- Income
3c.3	Housing Program Office to Monitor At-Risk Units	Conservation of Existing Units	Monitor 706 units at-risk between 1992-1997 Very-low to Low- Income

Exhibit IV-21

SUMMARY OF QUANTIFIED OBJECTIVES

The table below summarizes the quantified objectives for each income category and represents the City's "good faith" effort in meeting the overall projected housing needs during the 1992-1997 planning period. The following summary represents the best uses of all available funds:

<u>INCOME GROUP</u>	<u>NEW CONSTRUCTION</u>	<u>REHABILITATION</u>	<u>CONSERVATION</u>
VERY-LOW	688	375	625
LOW	526	550	622
MODERATE	2,822	--	--
ABOVE MODERATE	2,500*	--	--
TOTAL	6,536	925	1,247

* The major source of new construction in this category will be the Village One Specific Plan area. The April 21, 1992 election, to annex this property, was successful. The quantified objective of 2,500 above moderate units is realistic, assuming favorable economic conditions.

CHAPTER V
COMMUNITY SERVICES AND
FACILITIES

V. COMMUNITY SERVICES AND FACILITIES

- A. INTRODUCTION
- B. CIRCULATION AND TRANSPORTATION
- C. COMMUNITY FACILITIES - WATER
- D. COMMUNITY FACILITIES - WASTE WATER
- E. COMMUNITY FACILITIES - STORM WATER
- F. COMMUNITY FACILITIES - MODESTO-COUNTY AIRPORT
- G. COMMUNITY FACILITIES - OPEN SPACE AND PARKS
- H. COMMUNITY FACILITIES - PUBLIC SCHOOLS
- I. COMMUNITY SERVICES - TRANSIT
- J. COMMUNITY SERVICES - POLICE
- K. COMMUNITY SERVICES - FIRE PROTECTION
- L. COMMUNITY SERVICES - SOLID WASTE
- M. COMMUNITY SERVICES - HAZARDOUS MATERIALS
MANAGEMENT

FIGURES:

- V-1 Circulation and Transportation Diagram
- V-2 Expressway Design Features
- V-3 Sanitary Sewer Diagram
- V-4 Existing Park System in the Baseline Developed Area
- V-5 Park Planning Areas
- V-6 Existing School Sites

CHAPTER V

COMMUNITY SERVICES AND FACILITIES

A. INTRODUCTION

Chapter V, Community Facilities and Services, describes the community services and infrastructure needed to support the physical community developed through Chapter III.

The policies in this Chapter provide guidance for conformance with Article 7 of the Government Code (Administration of General Plans), particularly Section 65401 (Review of Public Works Projects for conformity with the Plan) and Section 65402 (Acquisition and Disposal of Real Property).

The distinctions between Community Services and Community Facilities are not critically important; they are distinguished in this Chapter for categorical purposes only. The important issue is that both Services and Facilities, as Community Infrastructure, are provided concurrent with need, to support the physical development, and ongoing maintenance, of the community. For this reason each of the Sections below are tailored for use in either the Baseline Developed Area, or the Planned Urbanizing Area, as those concepts are defined in Chapter II, Urban Growth Strategy.

B. CIRCULATION AND TRANSPORTATION

1. Overview

The Circulation Element was first required by state law in 1955 (Government Code Section 65302(b)). Its purpose was to develop a balanced, multi-modal transportation system, within local jurisdictions. Modesto has discussed circulation in the early General Plans of 1959 and 1965. In 1974 a combined Land Use and Circulation Elements to the Modesto Urban Area General Plan was adopted. In 1986, the Circulation Element updated the circulation portion of the 1974 Land Use and Circulation Elements.

This Section presents, as required by Section 65302(b) of the Government Code, "the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan [Chapter III of this General Plan]."

2. Circulation and Transportation Diagram

Figure V-1 presents the Circulation and Transportation Diagram which describes the proposed general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public

facilities within the Modesto Urban Area. The Diagram conforms to Section 65302(b) of the Government Code, and is hereby adopted and incorporated into the Modesto Urban Area General Plan.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY.GEN.75 (3/7/84)), to provide a certain limited degree of flexibility in applying the Circulation and Transportation Designations to specific streets.

3. Circulation and Transportation Designations (shown on Diagram)

With the exception of local streets, the following Designations, are presented on the Circulation and Transportation Diagram. These Designations conform to Section 65302(b) of the Government Code, and are hereby adopted and incorporated into the Modesto Urban Area General Plan.

- a. Freeway - This classification defines the highest volume, total access-control highways with high design speeds (55-65 mph). Freeways are an important part of the transportation network for urban, inter-city, and inter-regional movement of people and goods.
- b. Expressways - This classification defines high volume, access-controlled roadways which do not allow for pedestrian or bicycle movements in the travelled way. There are three express-way classes as described below and illustrated on Figure V-2:
 - (1) "Class A" Expressway is an access-controlled roadway with design speeds of 50-55 mph. The right-of-way is 110 or 135 feet (4 or 6 lanes) between intersections and 175 or 300 feet at interchanges (4 or 6 lanes).
 - (2) "Class B" Expressway is defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn-only access to collector streets. The design speed will be 45-50 mph. The right-of-way is 110 or 134 feet (4 or 6 lanes) between intersections and 134 or 159 feet at intersections (4 or 6 lanes).

State Highway 219 (Kiernan Avenue, between Highway 99 and McHenry Avenue) will be a Class B expressway, with right-of-way of 181 feet as specified by Caltrans.
 - (3) "Class C" Expressway is defined as a limited access-controlled roadway. The design speed is 40-45 mph. The right-of-way is 110 or 135 feet between intersections (4 or 6 lanes) and 134 or 159 feet at intersections (4 or 6 lanes).

Note: Expressway Class B or C Expressway, on limited rights-of-way may be 100 feet for four lanes and 124 feet for six lanes.

- c. Arterial Streets - This classification defines moderate-to high-volume streets with a primary function of providing mobility and a secondary function of land access. Arterial streets serve the major centers of activity of the urban area and provide mobility of people and goods. There are two classes of arterial streets:
- (1) Principal Arterial streets have six travel lanes with no bicycle lanes. The design speed is 45 mph. The right-of-way is 114 feet.
 - (2) Minor Arterial streets have four travel lanes. Minor arterials can provide for bicycle lanes. The design speed is the same as principal arterials. The right-of-way is 100 feet.
- d. Collector Streets - This classification defines low-traffic-volume streets which can also serve pedestrian and bicycle traffic. Collector streets provide traffic circulation within residential neighborhoods, and commercial and industrial areas.

Collector streets distribute trips from the arterials through the area to their ultimate destination and collect traffic from local streets and channel it into the arterial streets. A collector street is a two-lane facility with a design speed of 25-30 mph on a right-of-way of 60 feet without bicycle lanes or 72 feet with two, 6-foot bicycle lanes.

- e. Local Streets - This classification applies to low-volume streets which are two-lane roadways. Local streets primarily permit direct access to abutting land uses and connections to the higher order roadways. Local streets offer the lowest level of mobility and usually contains no bus routes. The right-of-way should be narrow enough, and design speeds low enough, to discourage through traffic.

4. Policies Relating to Street Designations

- a. State Highway - This classification defines any street which is acquired, laid-out, constructed, improved or maintained as a state highway pursuant to constitutional or legislative authorization. The street can be a freeway, expressway, arterial or other roadway classification. The right-of-way, design and construction on a State Highway should follow state standards. The improvement and addition of freeway interchanges should be made when required by future traffic demands.
- b. Streets in Comprehensive Plans - Any Comprehensive Plan may experiment with differing rights-of-way and cross sections for the five Circulation and Transportation Designations.

5. Circulation and Transportation Policies - Overall

- a. The streets and highways system should be coordinated with Caltrans', the County's, and other jurisdictions' existing facilities and plans. The adoption of a regional expressway system by Stanislaus Area Association of Governments (SAAG) should be supported, and the components of the regional system which lie within the City's Sphere Of Influence should be incorporated into the City's Circulation and Transportation Diagram. The expressway system should be designed to accommodate mass transit.
- b. Transportation Control Measures (TCMs) should be implemented where feasible or mandated by other agencies, to reduce vehicle miles traveled, vehicle idling, or traffic congestion. Alternatives to the drive-alone auto mode, such as mass transit, ride sharing, and telecommuting should be encouraged. In addition, the City should encourage innovative means to reduce traffic congestion and enhance air quality, such as teleconferencing centers, fiber optic communication networks, and trip reduction programs.
- c. Transportation Demand Management (TDM) measures will be encouraged to directly affect trip makers' choice of travel mode and the routes and time of day for trips. Transportation Demand Management has as its purpose the reduction in the number of vehicle trips being made on the street network. Typical types of TDM measures would be promotion of transit, car pooling or van pooling, and pricing of parking to make these alternative modes of transportation more attractive and cost competitive.
- d. The City hereby defines and authorizes the use of a "Plan Line." The Plan Line is a process which specifically defines the location of center lines, alignments, rights-of-way, cross-sections and intersections for future or proposed roadways. The purpose of a Plan Line is to provide adequate right-of-way for future growth needs and to protect the right-of-way from encroachment. Adopted Plan Lines shall be incorporated into development plans to define specific requirements for dedicating the right-of-way for street purposes and to implement Circulation and Transportation Policies of the General Plan.
- e. The highest possible levels of traffic service should be maintained on City roadways, consistent with the financial resources reasonably available to the City and without unreasonably burdening property owners or developers with excessive roadway improvement costs.

Data from the General Plan Traffic Analysis, described in Appendix II-A of the Final Master Environmental Impact Report, shall be utilized to

evaluate the effectiveness of traffic mitigation measures adopted by the City Council.

- f. Where safety and traffic operations are not compromised, in-fill and redevelopment projects will be exempted from the City's street width and right-of-way standards if those standards exceed the original standards under which the adjacent streets were constructed. This exemption shall not apply to other street improvement standards, such as, but not limited to, drainage, structural requirements, curbs, gutters, sidewalks, and lighting. This exemption shall not apply on State Highways or where Plan Lines have been adopted.
- g. The City's circulation system should facilitate a rapid response by emergency vehicles and should accommodate school buses. Factors should include adequate road widths and corner radii in street designs to ensure that the appropriate fire equipment and school buses can negotiate City streets.
- h. Development should be designed in a way that will encourage walking as an alternative mode to the automobile for transportation. Safe and convenient pedestrian facilities should be provided in residential, commercial and other areas when necessary.
- i. The use of the bicycle shall be promoted as an alternative mode of transportation. An adequate and safe bicycle system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle usage should be considered in the planning of new streets and in street improvements. Facilities for mode transfer from bicycle to park-and-ride lots, transit, and rail should be considered and provided when necessary.
- j. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:
 - (1) Amtrak. The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.
 - (2) Inter-regional Rail Service. The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.

- (3) Light Rail Transit. The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.
 - (4) Freight Rail. The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of "truck on rail" as a technique for reducing through-truck traffic on highway corridors.
 - (5) Any necessary crossings of the Santa Fe Railroad corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In 1995, the AT&SF Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe's rail line.
- k. Neighborhood street networks will be provided in new development, which permit local trips to be completed as much as possible without the use of collector streets and arterial streets.
 - l. The City should carry out a citywide transportation improvement plan to accommodate peak hour traffic flow on arterial streets and major collector streets. This plan may include additional lanes, striping, and turning pockets.
6. Circulation and Transportation Policies - Baseline Developed Area
- a. Level of Service (LOS) D or better during the p.m. peak hour is the planning objective and standard for the evaluation of new development, mitigation measures, and for use in other traffic related analyses or reports. However, several circulation links (i.e. "Problem Links") are projected to operate at traffic service levels of "E" or "F". These general performance standards are graphically depicted on Figure 1-5 and Table 1-3 of the Final Master Environmental Impact Report. Further details are provided in the General Plan Traffic Analysis (Appendix II-A of the Final Master Environmental Impact Report).
 - b. For proposed development projects that are consistent with the General Plan-approved land use for that site, it is hereby established that those projects are consistent with the general performance standards for the circulation system, as described above.

- c. On a case-by-case basis, the Public Works and Transportation Director may require the preparation of a "Site Access Study," to identify and resolve unique operational and safety-related concerns, including internal and external site access.

7. Circulation and Transportation Policies - Planned Urbanizing Area

- a. Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Public Works and Transportation Director, and be included in a Focused EIR for each respective Comprehensive Plan.
- b. The Comprehensive Traffic Study shall include the following components:
 - (1) Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Public Works and Transportation Director.
 - (2) If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Public Works and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measure to update the General Plan Traffic Analysis.
- c. For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) those projects will be deemed in conformance with the performance standards established by the Comprehensive Traffic Study.

8. Implementation

- a. From time to time, the City may adopt subsequent master plans, short-range transit plans, or other policy documents to implement some or all of the policies listed above. These subsequent policy documents, such as the Capital Improvement Program and individual street construction projects, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

C. COMMUNITY FACILITIES - WATER

1. Overview

Water is probably the most critical natural resource in California. The City of Modesto has teamed up with the Modesto Irrigation District (MID) and Del Este Water Company to develop a new surface water supply, ultimately a 60 million-gallon-per-day (MGD) water treatment plant. This will be used to stabilize the groundwater overdraft the City was experiencing. This conjunctive groundwater-surface water management plan will allow Modesto to continue to serve current customers and plan for future expansion. A similar strategy is being developed with Turlock Irrigation District (TID) for the Modesto Urban Area south of the Tuolumne River.

The City is also participating in the drafting of a Regional Groundwater Management Plan for the two groundwater basins it straddles. The municipal and irrigation water purveyors are developing the groundwater management plans for the mutual beneficial management of the limited groundwater resources.

This Section addresses the requirements of Government Code Section 65302(d) pertaining to the "conservation, development, and utilization of ... water."

2. Water Policies - Baseline Developed Area

- a. During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand.
- b. The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high quality water for urban uses.
- c. The City of Modesto will strive to stabilize groundwater levels and eliminate groundwater overdraft, as part of a conjunctive groundwater-surface water management program. The City shall view regional water resources, such as groundwater, surface water and recycled wastewater, as an integrated hydrologic system when developing water management programs.
- d. The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's water service area. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial providers for

the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources.

- e. Water facilities will be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike.
- f. The City will continue to establish guidelines, policies and programs to implement water conservation to the maximum extent feasible. The City shall strive to maximize the utilization of water resources when developing and implementing its Economic Development Strategy.
- g. The City supports the local management of groundwater resources, rather than state regulation or adjudication. The City will adopt a Groundwater Management Plan in accordance with AB 3030, and in cooperation with the adjacent and overlying water providers within the groundwater basins the City occupies.

3. Water Policies - Planned Urbanizing Area

- a. All of the Water Policies for the Baseline Developed Area apply within the Planned Urbanizing Area.
- b. The City of Modesto shall coordinate land development projects with the expansion of water treatment and supply facilities.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents such as a Groundwater Management Plan or a Water Master Plan to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

D. COMMUNITY FACILITIES - WASTEWATER

1. Overview

Wastewater collection and treatment is an essential community service to protect the public health and environment and to foster economic vitality. The objective of the City's wastewater system is to meet increasingly strict wastewater regulations in a cost-effective manner. As water becomes increasingly scarce in California, reclaiming wastewater will create opportunities to optimize the region's water resources. Similar opportunities

exist for the beneficial reuse of biosolids and methane, and other residuals of wastewater treatment.

This Section addresses the requirements of Government Code Sections 65302(a), relating to liquid waste disposal facilities and 65302(d), relating to the reclamation of water and the "prevention and control of the pollution of streams and other waters." Wastewater will be considered as one part of integrated regional water resource management.

2. Wastewater Policies - Baseline Developed Area

- a. To protect public health and the environment, the City of Modesto will maintain the standards for effluent water and biosolids, from Modesto's wastewater treatment facilities, as established by the Central Valley Regional Water Quality Control Board, in compliance with the Federal Clean Water Act, the State Porter-Cologne Act, and their implementing regulations, current and future.
- b. Wastewater facilities will be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of essential existing facilities, expansion for current excess demand, and the timely expansion for future demand.
- c. The City's wastewater system capacity will be allocated to existing and future residential, commercial and industrial customers. Discharges from environmental cleanup sites may be issued conditional discharge permits subject to the availability of excess treatment capacity. In accordance with federal and state regulations, all discharges to the wastewater system may not, or may not threaten to, upset, interfere, or pass through the wastewater system.
- d. Subject to the approval of the Stanislaus Local Agency Formation Commission, the City of Modesto and the Salida Sanitary District will be the sole providers of wastewater services to the area within the City's Sphere Of Influence and sewer service area.
- e. The City will encourage the regional beneficial reuse of reclaimed water. The City is committed to development of a full reclamation program in the long term.
- f. The City should strive to use land application of biosolids as the most environmentally beneficial reuse of this resource, rather than the disposal options of landfilling or incineration.

- g. The City should establish odor buffer zones around primary and secondary wastewater plants, thereby minimizing the likelihood of odors impacting new residential or commercial development.
- h. The City should utilize source control and demand management among its tools for accomplishing the most cost-effective wastewater management, protective of public health and the environment.

3. Wastewater Policies - Planned Urbanizing Area

- a. All of the Wastewater Policies for the Baseline Developed Area apply within the Planned Urbanizing Area.
- b. The City of Modesto will require each new development project to be served with public sanitary sewers.
- c. The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities.

Figure V-3 presents a diagram which indicates the sanitary sewer trunks necessary to serve each Comprehensive Planning District listed in Chapter III.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents, such as a Wastewater Master Plan, to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

E. COMMUNITY FACILITIES - STORM WATER

1. Overview

Modesto's storm drainage facilities have had a unique history, but changing regulations require a change in how drainage is provided. In 1994, Modesto complied with new federal storm water runoff quality regulations by obtaining its first National Pollutant Discharge Elimination System (NPDES) storm water permit, which requires many new Best Management Practices to be implemented to control runoff quality. Two-thirds of the City is served by rockwells which are regulated by federal underground injection control regulations. Increasingly strict regulations and unacceptable life-cycle costs for rockwells have led the way to a new strategy for storm water management: positive pipe lines, detention and/or retention basins to maximize groundwater recharge and water quality; and limited discharge to surface streams. Rockwells will be allowed only in infill areas, isolated from surface discharge routes.

This Section addresses the requirements of Government Code Section 65302(d) pertaining to the "conservation, development and utilization of natural resources, including water and its hydraulic forces..." and the "prevention and control of the pollution of streams and other waters." This section addresses the management of both the storm water quantity and quality as it relates to both surface waters and groundwater. Storm water will be considered as one part of integrated regional water resource management.

2. Storm Water Drainage Policies - Baseline Developed Area

- a. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed "rockwells". New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area.

- b. The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by this General Plan.
- c. The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and Environmental Protection Agency for underground injection.
- d. Storm water drainage facilities shall be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development.

3. Storm Water Drainage Policies - Planned Urbanizing Area

- a. All of the Storm Water Drainage Policies for the Baseline Developed Area apply within the Planned Urbanizing Area.

- b. The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state.

The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report.

- c. The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water.
- d. New areas shall be designed so that runoff in excess of groundwater recharge in 3.c. shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

4. Implementation

A storm water management program (SWMP) should be prepared by the City, potentially incorporating those measures listed in Table 9-4 in the Master Environmental Impact Report. The storm water management program will be considered an "anticipated subsequent project" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

F. COMMUNITY FACILITIES - MODESTO CITY-COUNTY AIRPORT

1. Overview

Section 65302.3 of the Government Code requires the City's General Plan to be consistent with the Airport Land Use Plan for the Modesto City-County Airport. This Airport Land Use Plan was adopted by the Airport Land Commission on August 3, 1978, in accordance with Section 21675 of the Public Utilities Code.

2. Modesto City-County Airport Policies - Baseline Developed Area

Since the Airport is located in the Baseline Developed Area, the following policies apply to the Airport and the area surrounding it.

- a. The City encourages aviation services at the Modesto City/County Airport and promotes airline service which meets the present and future needs of the community. The City should pursue greater inter-regional air service to the extent that it is economically viable.

- b. Land use around Modesto City-County Airport will be in accordance with the Stanislaus County's Airport Land Use Commission Plan (ALUC) adopted in accordance with Section 21676 of the Public Utilities Code. The ALUC plan provides for the orderly growth of the Airport and the area surrounding the Airport within the jurisdiction of the Airport Land Use Commission, and will safeguard the general welfare of the inhabitants within the boundary of influence and the public in general.
- c. Mitigation measures suggested by the Airport Master Plan and related documents should be considered at the implementation of inter-regional air service, including a voluntary noise reduction program for residential units impacted by noise levels that exceed acceptable state standards.

3. Implementation

From time to time, the City may adopt subsequent development plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents, including revisions to the Airport Land Use Plan, the Airport Master Plan, and various development approvals in or near the Airport, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

G. COMMUNITY FACILITIES - OPEN SPACE AND PARKS

1. Overview

An Open Space Plan is mandated by Section 65563 of the State Government Code. This mandate recognizes that open space is a limited and valuable resource which must be conserved wherever possible. In Modesto, open space is provided through a comprehensive network of regional, community, and neighborhood parks.

Community facility policies and standards should be considered flexible enough in order to adapt to new trends, take advantage of new or different recreation or open space opportunities, develop special facilities, recycle old parks and fine tune facilities and programs to unique circumstances and conditions. Standards may deviate from minimum when special opportunities or needs arise that would provide enhanced facilities or services to the community.

Regionalization and consolidation of the planning and management of Community Facilities and Services will be continually evaluated as all the communities in Stanislaus County continue to grow and require similar facilities and services.

The "Tuolumne River", "Dry Creek" and " Stanislaus River" Comprehensive Planning Districts described in Chapter III, present focused open space policies applicable in those open space areas. Additional Open Space Policies are presented in Chapter VII.

2. Open Space and Parks Policies - Baseline Developed Area

- a) All acreage standards are expressed as net acreage. This means that additional acreage must be added to the net park acreage for off-site requirements, such as street right-of-way, in order to satisfy the minimum standard. Minimum acreage standards will be increased if necessary to accommodate the development standards for the park.
- b) Figure V-5 presents Park Planning Areas for the Baseline Developed Area. With regards to acreage, service area, location and street frontage standards, the existing park system shown on Figure V-4 shall be considered adequate and acceptable, as is, with the following exceptions, by Park Planning Area designation:

- Bret Harte
- Shackleford
- Tide Water Industrial
- Burbank
- Maze Wren
- Woodland
- College West
- North East McHenry
- Empire East
- Empire West
- Airport

Within these Park Planning Areas, the open space and parks system is NOT considered adequate and acceptable as is and the City will endeavor to develop facilities in accordance with all of the Open Space and Parks policies and Community and Neighborhood Park standards that apply to the Baseline Developed Area. However, the City recognizes and accepts that 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.

- c. The City will endeavor to plan, acquire, and develop parks and recreation facilities adjacent to schools in order to maximize the potential for joint use of adjoining City and School District open space and recreation facilities.

- d) With the exception of School District open space, only acreage owned or otherwise controlled exclusively by the City in perpetuity and planned to be developed and operated for the express and primary purpose of providing recreation facilities as set forth in the Neighborhood, and Community Park standards outlined in the General Plan, will count toward minimum acreage standards. Acreage planned and developed primarily for other purposes such as trails and elements of drainage systems shall not count toward meeting minimum standards for Neighborhood and Community Parks.

e) Baseline Developed Area - Neighborhood Park Standards

The City will endeavor to provide at least one neighborhood park within each Park Planning Area. The park should be centrally located within the Park Planning Area and have a service radius of one half to three quarters of a mile. The park should have one collector street frontage and the remaining sides should front on residential streets.

The minimum size for a neighborhood park shall be SEVEN ACRES or the total acreage based on TWO ACRES OF PARK LAND PER ONE THOUSAND POPULATION within the Park Planning Area, whichever is greater.

When a public elementary or junior high school or schools are located within a Park Planning Area, up to five acres of open space, at each school which is developed, maintained and is accessible to the public for outdoor recreation activities, may count toward satisfying the Neighborhood Park standard of two acres of Neighborhood Park land per one thousand population within the Park Planning Area. However, regardless of the number of public school open space acres within a Park Planning Area, the City will provide a minimum of one City neighborhood park of seven acres.

f) Baseline Developed Area: Community Park Standards

The Community Park Service Area is that area within a radius of approximately one to one-and-one-half miles of the park site. The park should have major street frontage and the remaining sides should front on residential streets.

The minimum size for a community park should be TWENTY-FIVE ACRES or the total acreage based on ONE ACRE OF PARK LAND PER ONE THOUSAND POPULATION within the Community Park Service Area, whichever is greater.

When a public high school is located within the same service radius as the community park, up to 15 acres of school open space, which is

developed, maintained and is accessible to the public for outdoor recreation activities, may count toward satisfying the overall standard of one acre of Community Park land per one thousand population within the Community Park Service Area. However, regardless of the number of public high school open space acres within the Community Park Service Area, the City will provide a minimum of one City community park of 25 acres.

3. Open Space and Parks Policies: Planned Urbanizing Area

- a) The policies and standards for the development of the park system within the Planned Urbanizing Area differ in several respects from those in the Baseline Developed Area. These policies and standards will be implemented through each "Comprehensive Plan", in conjunction of the relevant "Comprehensive Planning District" policies presented in Chapter III.
- b) The acreage standards related to Mini, Neighborhood, and Community Parks are considered minimum. These acreage standards may be enhanced by additional open space to the meet unique characteristics of the Specific Plans for each new Village.
- c) All acreage standards are expressed as net acreage. This means that additional acreage must be added to the net park acreage for off-site requirements, such as street right-of-way, in order to satisfy the minimum standard. Minimum acreage standards will be increased if necessary to accommodate the development standards for the park.
- d) The City will endeavor to plan, acquire, and develop parks and recreation facilities adjacent to schools in order to maximize the potential for joint use of adjoining City and School District open space and recreation facilities.
- e) Only acreage owned or otherwise controlled exclusively by the City in perpetuity and planned to be developed and operated for the express and primary purpose of providing recreation facilities as set forth in the Mini, Neighborhood, and Community Park policies and standards outlined in the General Plan, will count toward minimum acreage standards. Acreage dedicated or developed for other purposes such as trails and drainage systems do not count toward minimum park acreage requirements. In contrast to the Baseline Developed area, School District open space does NOT count towards minimum park acreage requirements within the Planned Urbanizing Area.

f) Planned Urbanizing Area: Mini Parks Policies and Standards

The mini park should be centrally located within the residential neighborhood with a service radius of one sixth to one quarter mile and should front on residential streets on all sides.

The minimum size for a mini park will be one-half acre or the total acreage based on one-half acre per one hundred and fifty dwelling units, whichever is larger.

Mini Parks are encouraged, but not required, in the following Comprehensive Planning Districts: Pelandale Snyder; Coffee Claratina; North Beyer; and Empire North. Mini Parks are required in all other Comprehensive Planning Districts.

g) Planned Urbanizing Area: Neighborhood Park Standards

The City will endeavor to provide at least one neighborhood park within each residential neighborhood. The park should be centrally located within the neighborhood and have a service radius of one half to three quarters of a mile.

The park should have one connector street frontage and the remaining sides should front on residential streets.

The minimum size for a neighborhood park shall be SEVEN ACRES or the total acreage based on ONE ACRE OF PARK LAND PER ONE THOUSAND POPULATION within the neighborhood, whichever is greater.

h) Planned Urbanizing Area: Community Park Standards

The Community Park Service Area is that area within a radius of approximately one to one-and-one-half miles of the park site. The park should have one major street frontage and the remaining sides should front on residential streets. Parks should not back up to residential lots.

The minimum size for a community park should be FORTY ACRES or the total acres based on TWO ACRES OF COMMUNITY PARK LAND PER ONE THOUSAND POPULATION within the Community Park Service Area.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent

policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA commonly used anticipated subsequent projects are listed and described in Chapter VII, Implementation.

H. COMMUNITY FACILITIES - PUBLIC SCHOOLS

1. Overview

Public schools, comprising both Community Facilities as well as Community Services, are a vital component of the City's infrastructure. In addition to their role of educating youth, they provide continuing education opportunities to all ages, prepare young adults for higher education or a vocation, and positively influence the community in many other ways. As of January 1995, the area covered by the Modesto Urban Area General Plan is served by fourteen public school districts.

School grounds are an integral part of the community's open space. Schools are physical focal points in the planned villages. They are also the focal point for recreational and social needs in the neighborhoods that they directly serve.

Parochial and private schools are acknowledged as supplementary providers of education even though policies are not outlined in the General Plan for their facilities.

2. Public Schools Policies - Baseline Developed Area

- a. For families in the child-rearing years, the proximity of a public elementary school within easy walking distance is a strong criterion in their evaluation of housing choices. Elementary school closure, a school district prerogative, has significant impacts on the surrounding neighborhood. School districts are encouraged to involve the city in deliberations regarding school closure, early in the process. Consistent with state statutes, school districts are encouraged to include extensive community participation in the process to close any existing schools.
- b. Existing schools and proposed school facilities on property owned by any School District on January 1, 1995, are shown on Figure V-6. School districts are encouraged to share their facility plans for new schools with the City.
- c. Changes in land use or intensity of development within the Baseline Developed Area may have an impact on school services which necessitate close communication between the City and the school district.
- d. There are specific state law prohibitions against certain uses within close proximity to schools, such as hazardous material uses and alcohol sales. Developers should contact the appropriate school district to determine if there are any known constraints to future development.

3. Public Schools Policies - Planned Urbanizing Area

- a. Public School Districts should be directly involved in the lead time for planning of infrastructure. A lead time of 3-5 years is desirable.
- b. Neotraditional Planning Principles, prescribed for residential development in the Planned Urbanizing Area, call for public schools as prominent, physical keystones to the connector street network. Schools, placed conveniently to the residents to be served, will maximize opportunities for students to walk and bike to school. Opportunities should be explored for joint school park development when planning new neighborhoods or villages. The option for joint acquisition and development of school and park sites should be continued. School districts are encouraged to consider these design principles in their facility planning efforts.
- c. Land for new school facilities should generally meet the following minimum space requirements:
 - (1) Elementary schools - 10 acres (net).
 - (2) Middle schools or junior high schools -20 acres (net).
 - (3) High schools - 50 acres (net).
- d. All of the policies for "Public Schools - Baseline Developed Area" apply equally in the Planned Urbanizing Area.
- e. Developers of residential projects that are subject to the following policies (3e through 3k, below) should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc., will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities.
- f. Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school district(s) for "review and comment" in conjunction with the preparation of the required Focused Environmental Impact Report.
- g. Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that

district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA.

- h. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the Focused EIR shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.
- i. The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

If the City does not receive said written notification prior to a deadline set by the City, the City Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities.

- j. The above policies (3e through 3k) shall apply when:
 - (1) A residential project seeks the approval of a General Plan Amendment, rezoning, prezoning, annexation, Comprehensive Plan, or other legislative act;
 - (2) The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram;
 - (3) A school district has imposed school mitigation fees pursuant to Government Code Section 53080; and
 - (4) A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.

- k. The above policies (3e through 3k) shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.

4. Implementation

The construction, maintenance, and day-to-day operations of schools is not governed by the City of Modesto. School districts with elected Boards of Directors are responsible for the actual implementation of School Facilities. Therefore, the City's role in the implementation of the above policies would be limited to: coordination with the affected school districts; determining whether a development project's impacts on school capital facilities is fully mitigated; and making appropriate findings under CEQA if the impacts are not fully mitigated.

I. COMMUNITY SERVICES - TRANSIT

1. Overview

In addition to the Circulation policies presented in this Chapter, the City should adopt a goal of improving public transportation that could include increased bus and light rail service. This could help mitigate some issues related to site-specific intersection operations or parking requirements, if combined with other trip reduction measures. The ability to add service may be determined by the availability of public sector funding sources, the extent of private sector participation or subsidy, and the overall feasibility of transit service.

2. Transit Policies - Baseline Developed Area and Planned Urbanizing Area

- a. Public transit services shall be provided, using the most cost-effective methods available and based upon professional analysis of alternatives.
- b. The City's transit system shall strive to provide a mix of headways dependent upon actual and anticipated ridership to reach a balance between cost-effectiveness and convenience.
- c. The City's transit system shall strive to maintain farebox recovery ratios sufficient to meet state requirements.
- d. The City should participate in regional public transit proposals to the extent economically feasible and that such systems benefit Modestans.

- e. The City transit system shall strive to provide service on a one-half-mile grid where feasible to make the service as accessible as possible. Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half-mile grid.
- f. The City's transit system shall strive to provide two-way service on routes where feasible.
- g. The City shall strive to safeguard options for future transit and mass transportation development, such as the Union Pacific railroad right-of-way.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

I. COMMUNITY SERVICES - POLICE

1. Overview

A primary goal of the City of Modesto Police Department is to maintain a sense of personal safety and security. Containing the level of crime at or below levels of other comparable cities will be accomplished through highly visible patrol services, coupled with effective investigations complimented by a very active education and crime prevention program. While maintaining law and order, the Police Department is active in participating in community involvement programs. There is a continuing effort at maintaining a high level of citizen satisfaction and providing high quality police services through caring and competent employees who are given a high level of personal and specialized education and technical training. Demographic and economic conditions will have tremendous influence on the demand for police services. The growing population, additional recreational facilities, increased traffic volumes, expanded City limits, new businesses and new residential areas all increase the importance of maintaining and supporting law enforcement services.

2. Police Policies - Baseline Developed Area and Planned Urbanizing Area

The following Policies apply in the Baseline Developed Area and, where relevant, in the Planned Urbanizing Area. In general, however, the Modesto Police Department is only authorized to provide services within its primary jurisdiction - the incorporated Modesto City limits.

- a. The City of Modesto should maintain an adequate personnel level, to organize patrol areas and provide investigative responses to achieve a comfortable and safe community climate conducive to a high quality of life and to maintain an active and growing commercial and business environment. To the maximum economic extent feasible, police operations should include proactive law enforcement and administrative efforts, all to be expanded as the City's population grows.
- b. The City of Modesto Police Department should strive to reduce the level of crime below levels of other progressive departments with comparable populations and demographics.
- c. The City of Modesto should strive to provide sworn officers in sufficient numbers to support basic police services consistent with other progressive departments with comparable populations and demographic statistics.
- d. The City of Modesto should strive to provide civilian staff in sufficient numbers to support sworn staff and to support continuing civilianization of services such as Crime Prevention, Investigative Support, Crime Scene Investigation, Accident Reports, and other documentation of incidents.
- e. The City of Modesto should maintain its efforts to educate the public about crime deterrence through programs like the Neighborhood Watch Program within residential neighborhoods, Traffic Watch Program on residential streets, and the Business Watch Program within commercial and industrial areas.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

K. COMMUNITY SERVICES - FIRE PROTECTION

1. Overview

The mission of the Fire Department is to provide efficient and effective fire and life safety protection to the community through control of hostile fire, fire prevention service, emergency medical services, emergency preparedness, and mitigation of hazardous materials incidents. This commitment is intended to safeguard the general economy and welfare of Modesto.

The policies in this Section conform to Section 65302(g) of the Government Code as that section of the Code relates to urban fires.

2. Fire Protection Policies - Baseline Developed Area and Planned Urbanizing Area

The following policies apply in the Baseline Developed Area and, where relevant, the Planned Urbanizing Area. In general, however, the jurisdiction of the Modesto Fire Department is limited to the incorporated Modesto City limits.

- a. The City of Modesto should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.
- b. The City of Modesto should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.
- c. The City of Modesto should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.
- d. The City of Modesto should practice timely adoption of the Uniform Fire Code, National Fire code, and State Codes. These codes and ordinances may be amended to suit local conditions.
- e. The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area.
- f. Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities.
- g. The City of Modesto should promote fire-safe behaviors within the community through public fire education activities and programs.
- h. The City should maintain its readiness to mitigate man-made or natural disasters through maintenance and implementation of the Multi-Hazard Functional Plan.
- i. The Fire Department should maintain equipment, staffing and facilities to provide Emergency First Response level Emergency Medical Services,

Urban Search and Rescue, and Hazardous Materials emergency response capabilities.

j. The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards:

(1) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95% of all cases.

(a) The first fire emergency response unit arrives within 6 minutes of dispatch.

(b) A full alarm assignment arrives within 10 minutes of dispatch.

(c) A second alarm assignment arrives within 15 minutes of dispatch.

(2) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

L. COMMUNITY SERVICES - SOLID WASTE

1. Overview

This section addresses the requirements of Government Code Section 65302(a) regarding solid waste disposal facilities.

2. Solid Waste Disposal Policies - Baseline Developed Area

a. The City of Modesto will comply with all the requirements of Assembly Bill 939 which mandates the diversion of solid waste of 25% by 1995 and 50% by 2000, by way of source reduction, recycling, composting, and transformation.

b. Source Reduction and Recycling Element (SRRE)

The state's placement of source reduction at the top of the integrated waste management hierarchy requires that the City implement source reduction programs. Some of the more critical program alternatives which may need to be implemented include variable can rates, composting at the site of generation, waste efficient yard care, and source reduction education.

New recycling programs may also need to be implemented; these programs include initiating multi-family and commercial/industrial recycling programs; evaluating the current curbside collection method and making recommendations for modifications as necessary; initiating a comprehensive public education and information program; and applying for grant funding for program implementation.

A significant amount of the waste currently being disposed of by the City is potentially compostable. Because of this significant diversion potential, it is essential that yard waste composting (including co-composting yard waste with biosolids) and compost market development be initiated.

The success of the other programs outlined in the SRRE depends upon the cooperation and participation of a public that understands the importance of waste reduction and recycling objectives. The residential and business communities will be targeted for a comprehensive outreach effort, including multi-media campaigns, awards, and point of purchase information.

c. Household Hazardous Waste Policies

The City will continue to participate in the existing Household Hazardous Waste Programs, including support of the drop-off facility, continued public information, and participation in the oil and battery collection programs.

d. County Hazardous Waste Management Plan

The City will comply with Stanislaus County's Hazardous Waste Management Plan.

e. Garbage Service

The City shall provide for the safe collection and disposal of all solid waste generated in the City of Modesto and to provide for the appropriate disposal facilities for the City's long-term needs. Garbage

service shall be provided to all residences and business within the City of Modesto.

f. Landfills

To meet the waste disposal demands of the growing population, the City shall support Stanislaus County's efforts to find an additional landfill site, expand capacity of the Fink Road Landfill, or find an alternative waste disposal method for solid waste.

3. Solid Waste Disposal Policies - Planned Urbanizing Area

- a. In addition to the Solid Waste Disposal Policies in place for the Baseline Developed Area, as outlined above, the City should also consider implementing local land use incentives and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate space for containers.
- b. In conjunction with the processing of a Comprehensive Plan within the Planned Urbanizing Area, the city shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents, such as the Source Reduction Recycling Element and the Hazardous Waste Management Element, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

M. COMMUNITY SERVICES - HAZARDOUS MATERIALS MANAGEMENT

1. Overview

The County has prepared a Hazardous Waste Management Plan which is the guideline for managing hazardous waste in Stanislaus County. The goals, objectives, conclusions, recommendations and implementation measures of that plan are hereby incorporated as a part of this document, along with any modifications which may result from state review of the Hazardous Waste Management Plan.

2. Hazardous Materials Management Policies

- a. The City shall comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials.
- b. The City of Modesto should require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the applicable Articles and Sections of the most current adopted edition of the Uniform Fire Code.
- c. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

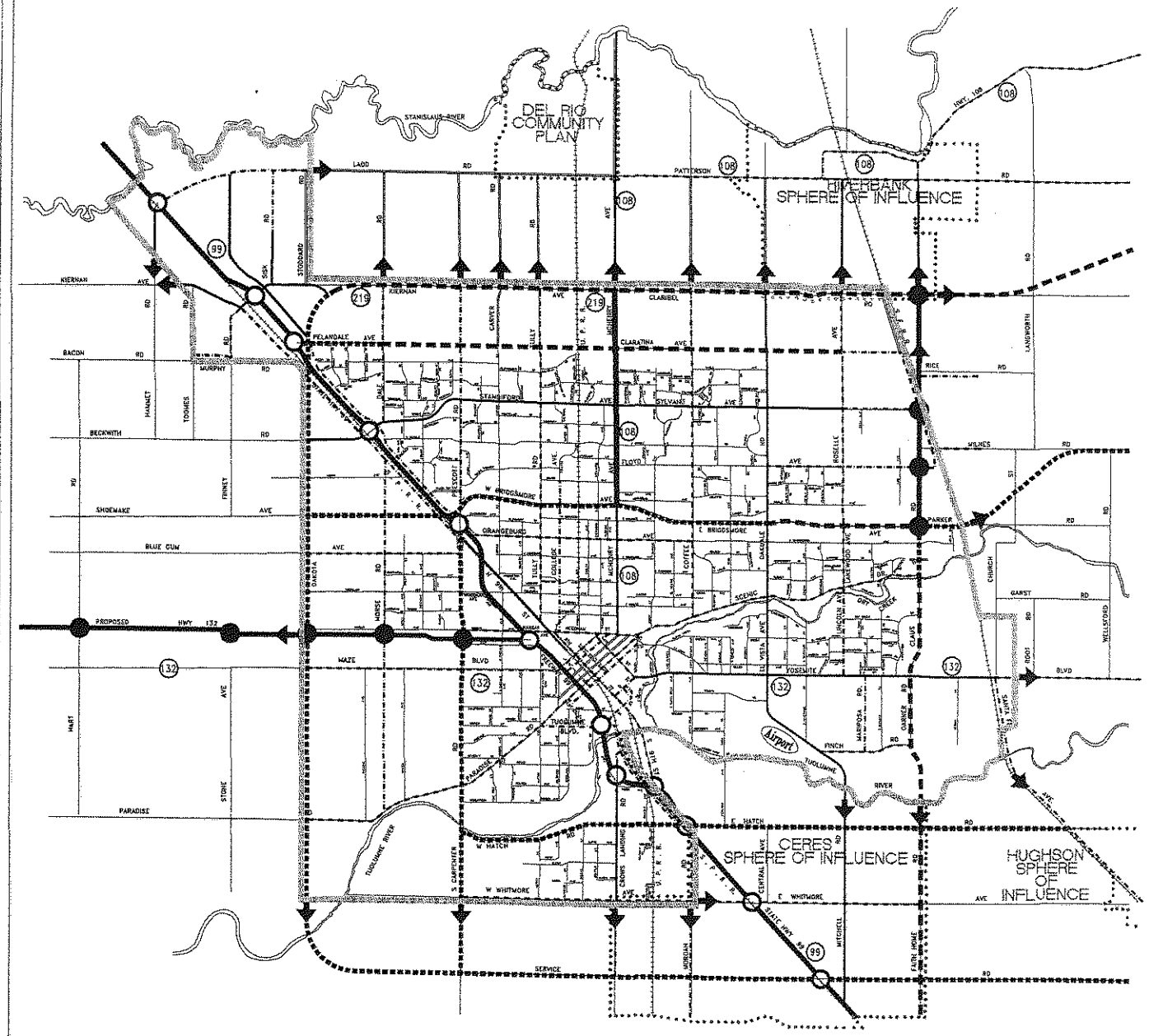
- d. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the

location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.



CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure V-1
**CIRCULATION AND
TRANSPORTATION
DIAGRAM**



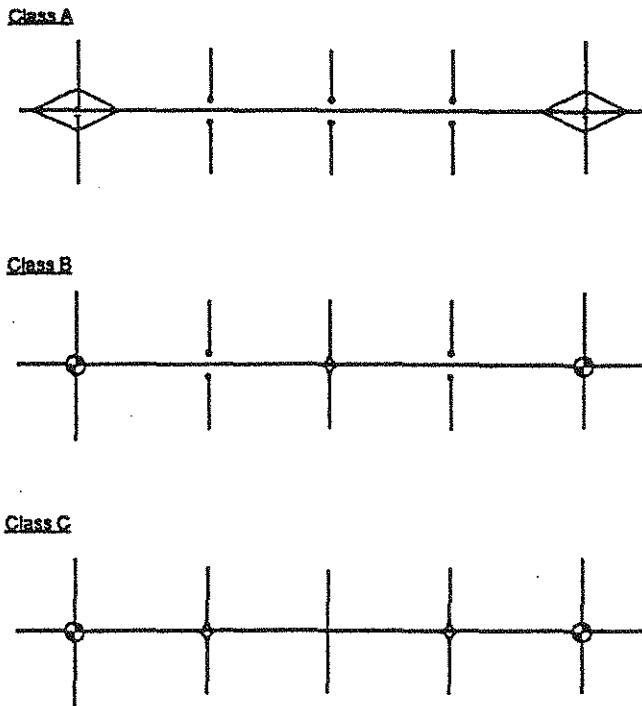
LEGEND

- FREEWAY 99**
Circle represents grade separated interchange. Use only means of access.
- CLASS A EXPRESSWAYS**
Circle represents grade separated interchange, the only means of access.
- CLASS B EXPRESSWAYS**
At grade intersections at arterials
No through collectors - either T or overpass, 4 to 6 travel lanes.
- CLASS C EXPRESSWAYS**
At grade intersections at arterials and collectors.
4 to 6 travel lanes.
- PRINCIPAL ARTERIAL**
8 travel lanes
- PRINCIPAL ARTERIAL**
6 travel lanes
- MINOR ARTERIAL**
4 travel lanes
- MAJOR COLLECTOR**
4 travel lanes
- MINOR COLLECTOR**
2 travel lanes (shown only in developed areas)
- AIRPORT**
- RAILROAD**
- STATE HIGHWAY DESIGNATION**
(Route Number)
- Indicates that these streets extend outside the boundary of the Modesto Area General Plan - Designations outside the GP boundary are illustrative only, subject to Stanislaus County's jurisdiction.**
- REFERENCE POINTS**
- GENERAL PLAN BOUNDARY**
- ADJACENT COMMUNITIES BOUNDARY**
- RIVERS**



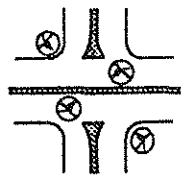
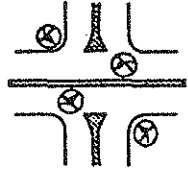
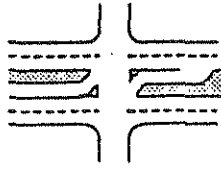
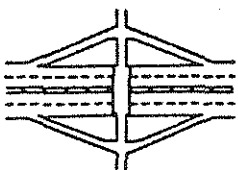
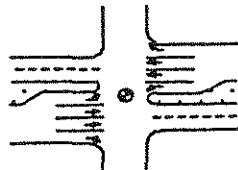
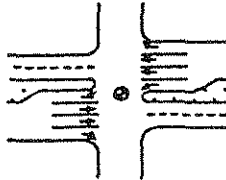
Figure V-2

EXPRESSWAY DESIGN FEATURES



This diagram illustrates levels of side-street and driveway access permitted on a one-mile section of typical Class A, Class B and Class C expressways, see next figure for greater detail on individual types of access.

Expressway Design Classes

Type of Access Point	Minimum Spacing along Expressway (if permitted at all)	Typical Design of Access Point		
		Class A Expressway	Class B Expressway	Class C Expressway
Driveway	>300ft.	(Not Permitted)	(Not Permitted)	
Collector	1/4-1/2 ml.	(Not Permitted)		
Arterial	1 ml.			

Expressway Access Management



CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure V-3
SANITARY SEWER
TRUNK LINES
DIAGRAM

LEGEND

DESIGNATIONS

- Sewer Trunk Lines
- Force Main

BOUNDARIES

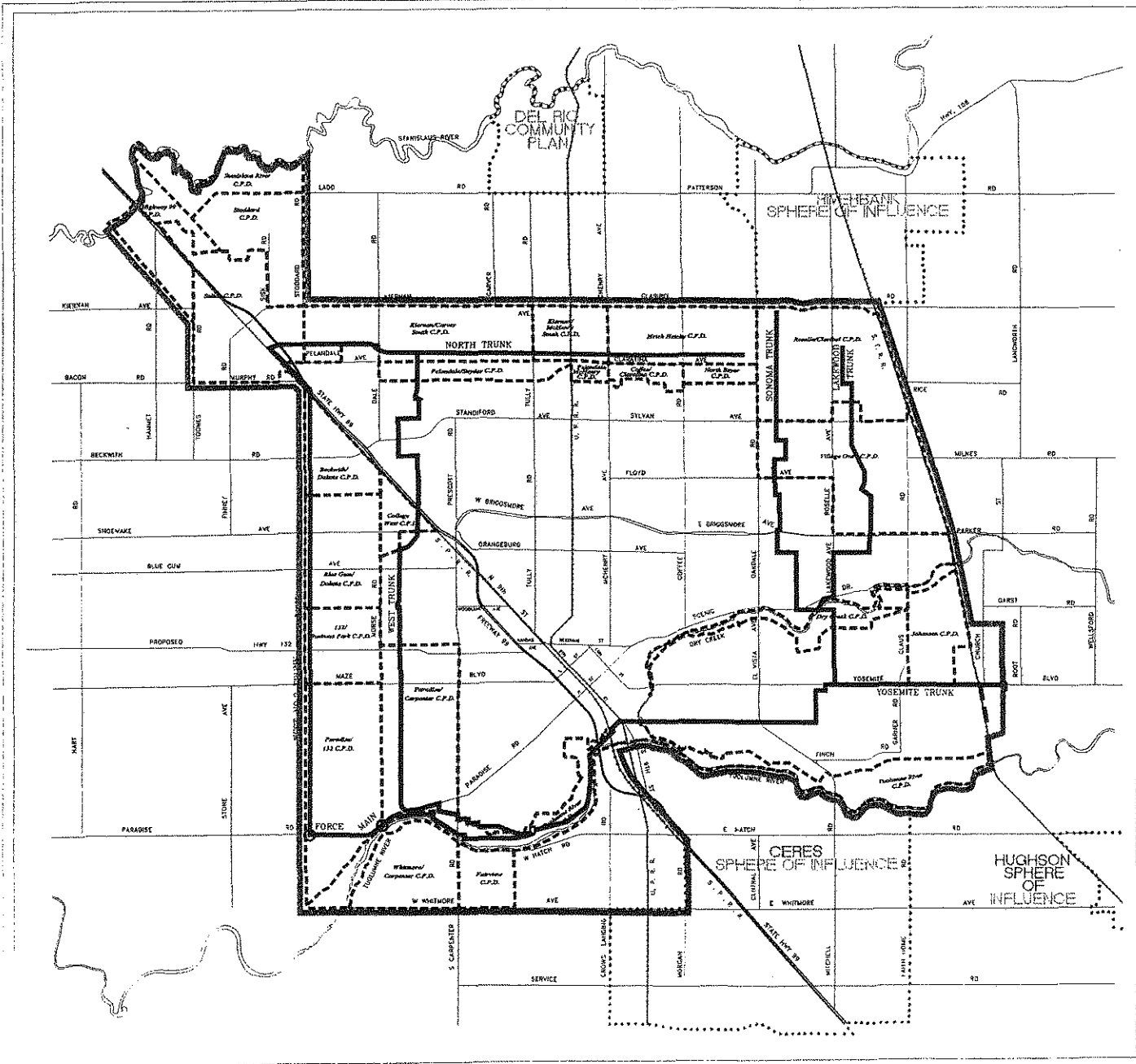
- Comprehensive Planning District boundary
- General Plan boundary
- Adjacent Communities boundary

REFERENCE POINTS

- STREETS
- FREEWAYS
- RAILROADS
- RIVERS



DATE: 1/14/84

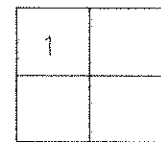





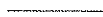



CITY OF MODESTO

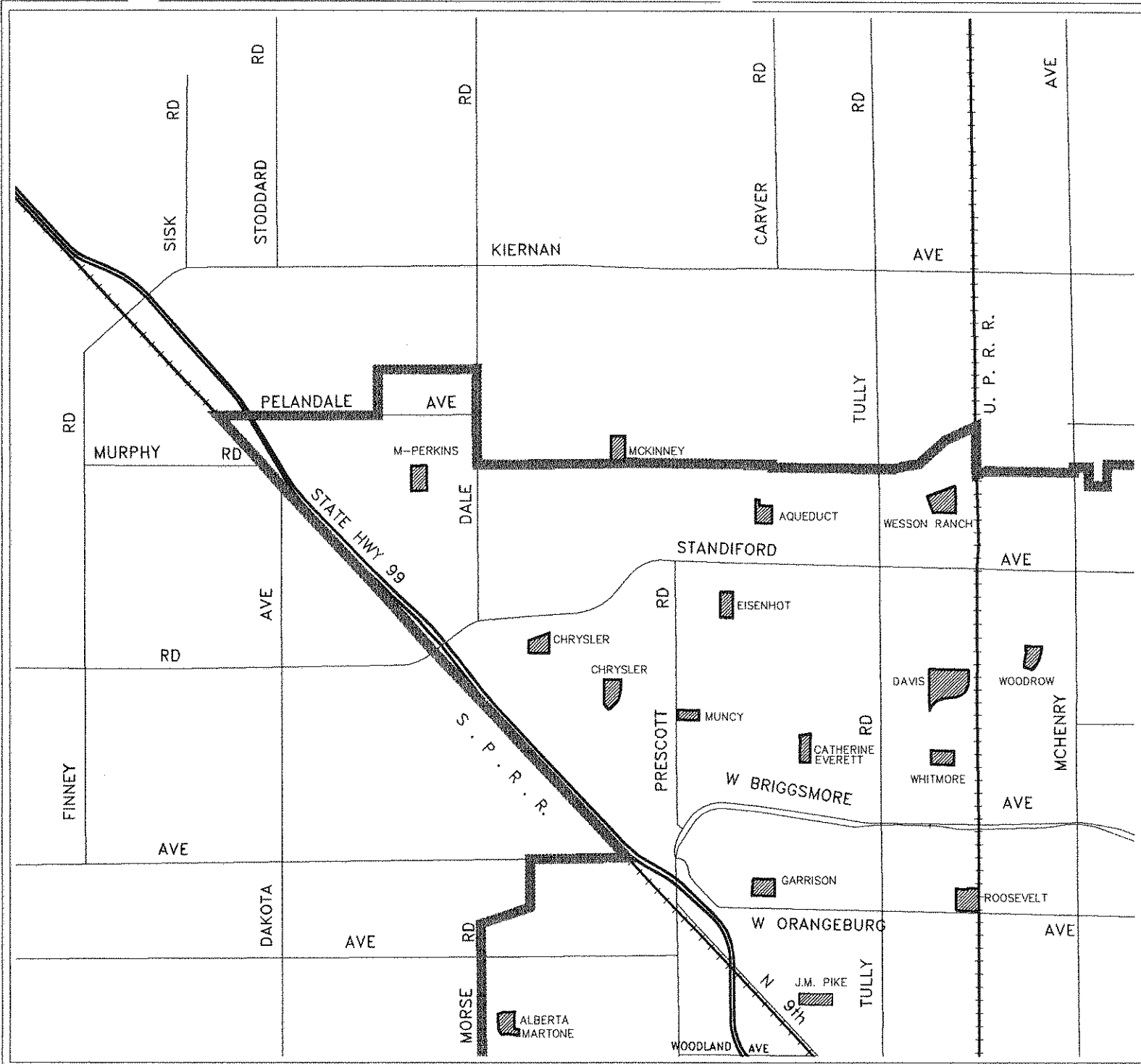
Figure V-4
EXISTING PARK SYSTEM
IN THE BASELINE
DEVELOPED AREA

LEGEND



REFERENCE POINTS

-  BASELINE DEVELOPED AREA BOUNDARY
-  STREET CENTERLINES
-  HIGHWAY 99
-  RAILROADS
-  RIVERS

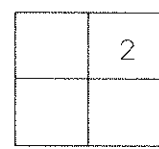









CITY OF MODESTO

Figure V-4
EXISTING PARK SYSTEM
IN THE BASELINE
DEVELOPED AREA

LEGEND

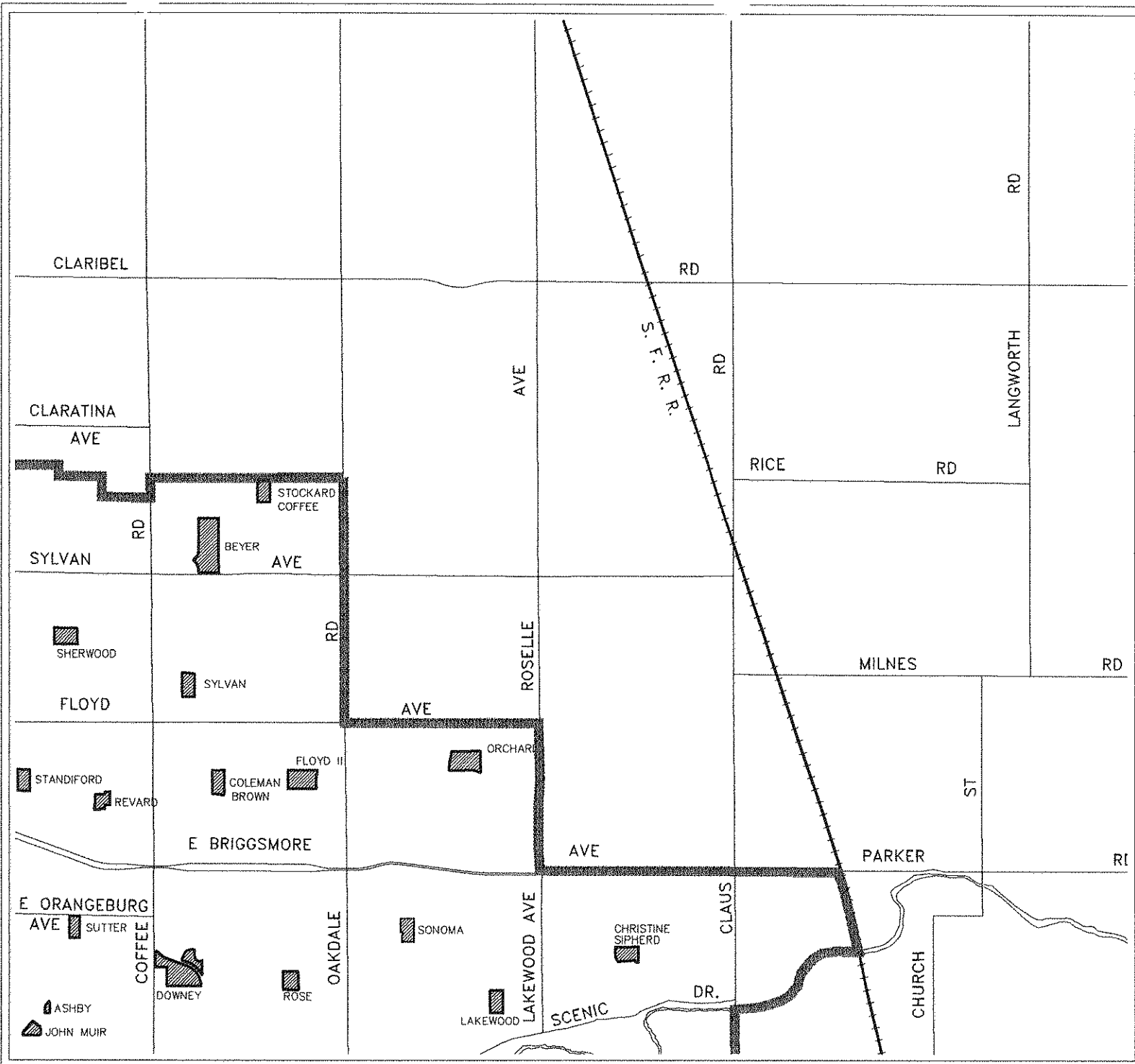


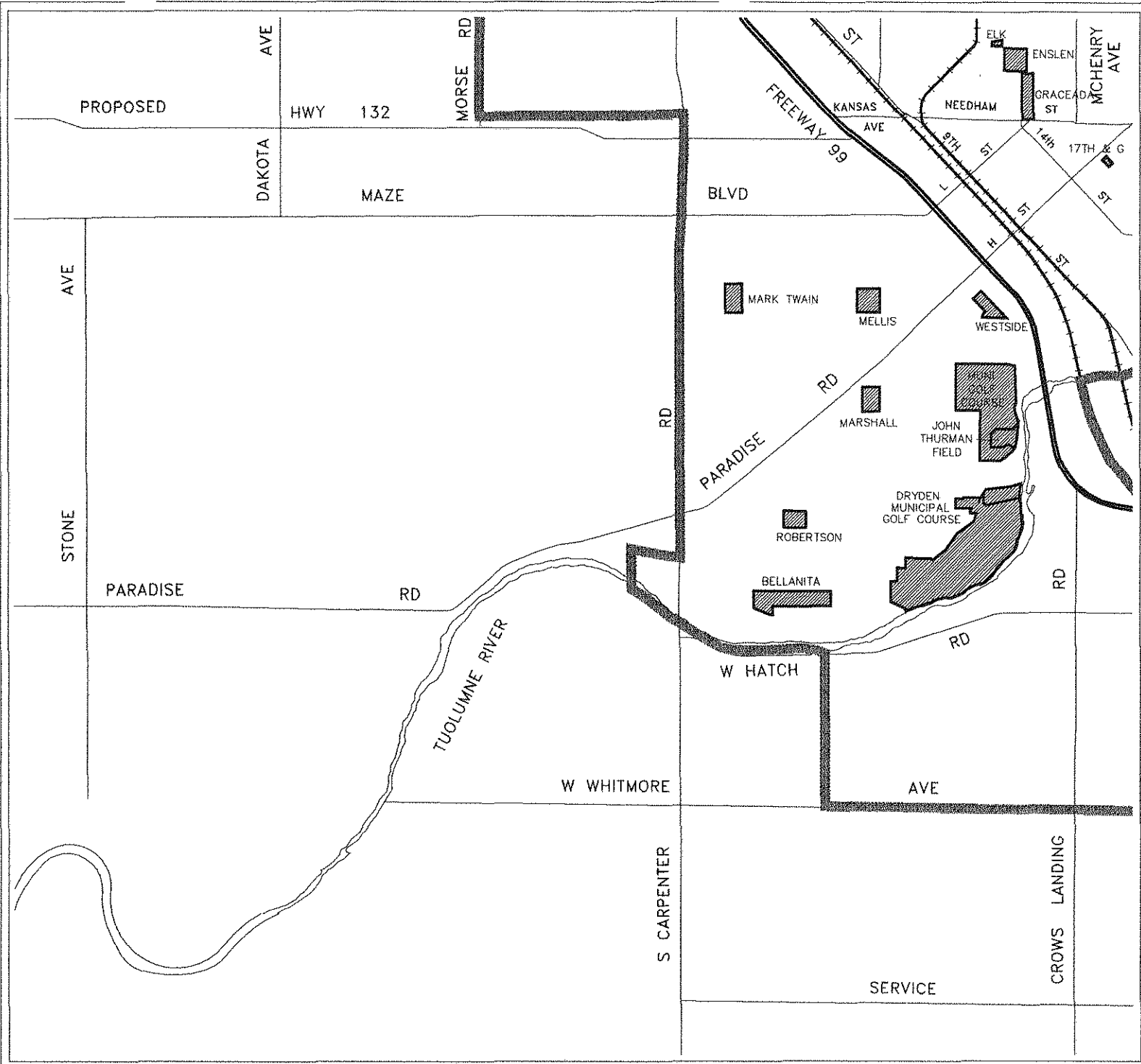
REFERENCE POINTS

-  BASELINE DEVELOPED AREA BOUNDARY
-  STREET CENTERLINES
-  HIGHWAY RD
-  RAILROADS
-  RIVERS



PER PARAGRAPHS 2003 AND 4/20/04

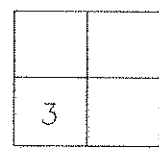





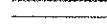


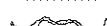
CITY OF MODESTO

Figure V-4
**EXISTING PARK SYSTEM
 IN THE BASELINE
 DEVELOPED AREA**

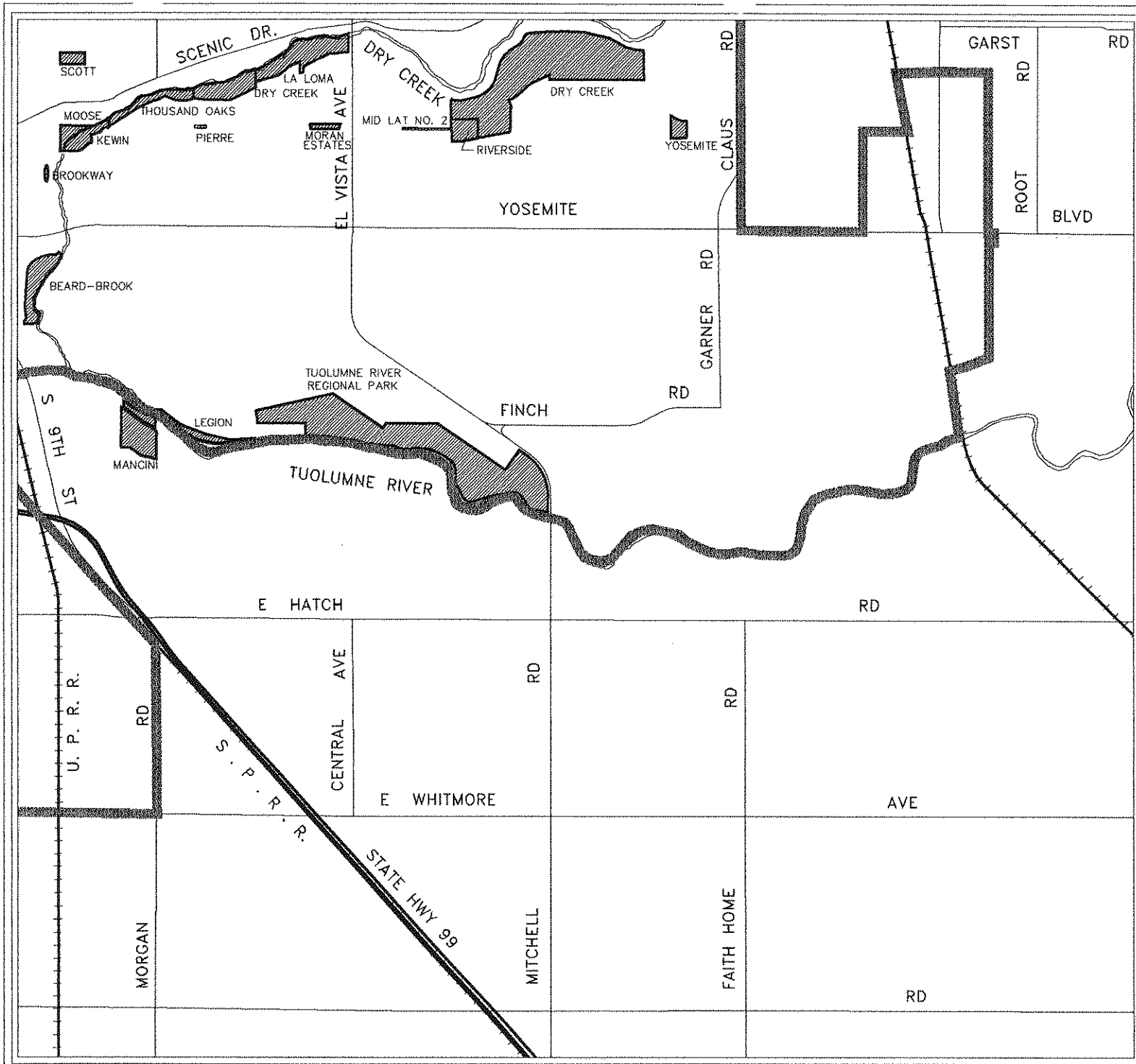
LEGEND



REFERENCE POINTS

-  BASELINE DEVELOPED AREA BOUNDARY
-  STREET CENTERLINES
-  HIGHWAY 99
-  RAILROADS
-  RIVERS





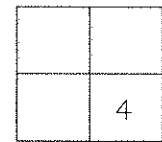
CITY OF MODESTO

Figure V-4
**EXISTING PARK SYSTEM
 IN THE BASELINE
 DEVELOPED AREA**

LEGEND



PARK



REFERENCE POINTS






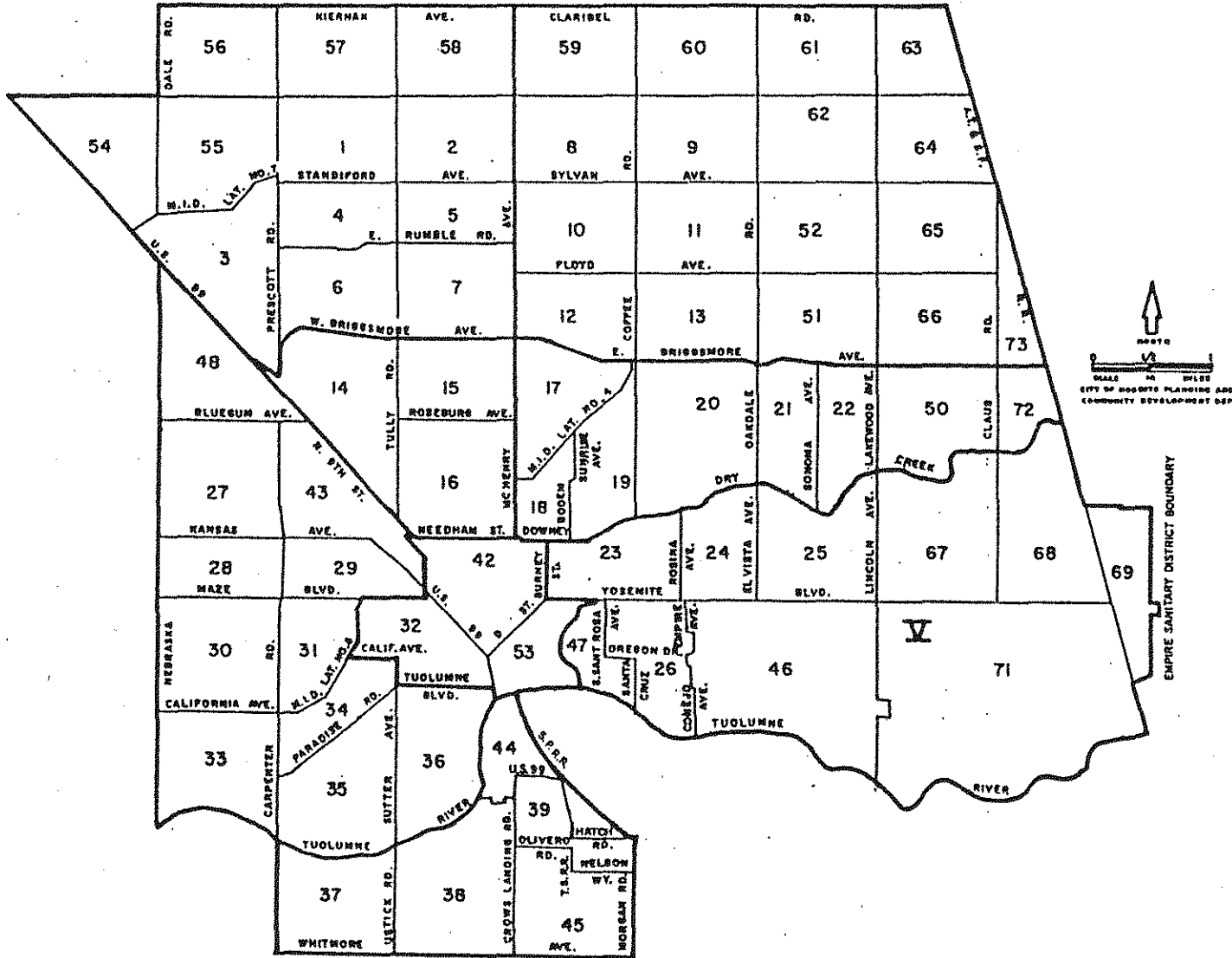
-  BASELINE DEVELOPED AREA BOUNDARY
-  STREET CENTERLINES
-  HIGHWAY 99
-  RAILROADS
-  RIVERS



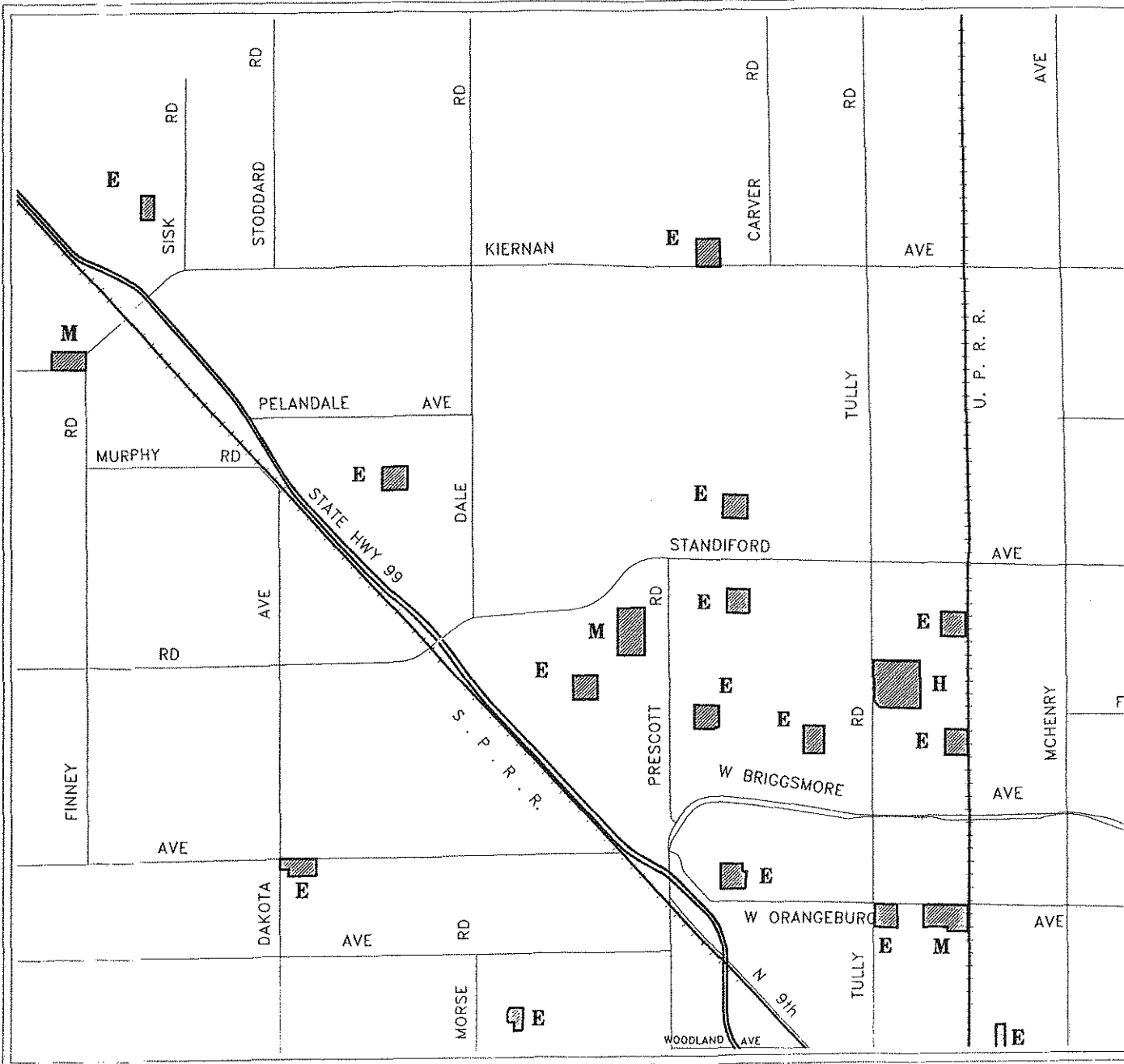
FIGURE V - 5

PARK PLANNING AREAS



PARK PLANNING AREAS

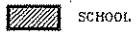
- | | | | |
|----|----------------|----|-----------------------|
| 1 | AQUEDUCT | 38 | BRET HARTE |
| 2 | H.V. MC HENRY | 39 | SHACKELFORD |
| 3 | CHRYSLER - 99 | 40 | (DISCONTINUED) |
| 4 | GOLDSWORTHY | 41 | (DISCONTINUED) |
| 5 | WOODROW | 42 | DOWNTOWN |
| 6 | MUNCY-EVERETT | 43 | N. 99 INDUSTRIAL |
| 7 | BEARD | 44 | S. 99 INDUSTRIAL |
| 8 | N.E. MC HENRY | 45 | TIDEWATER INDUSTRIAL |
| 9 | BEYER | 46 | BEARD INDUSTRIAL WEST |
| 10 | SHERWOOD | 47 | GALLO |
| 11 | COFFEE-SYLVAN | 48 | COLLEGE WEST |
| 12 | STANDIFORD | 49 | (DISCONTINUED) |
| 13 | FLOYD | 50 | LAKEWOOD |
| 14 | H.W. CENTRAL | 51 | ORCHARD |
| 15 | ROOSEVELT | 52 | ROSELLE |
| 16 | ENSLEN-J.C. | 53 | CENTRAL INDUSTRIAL |
| 17 | E. MC HENRY | 54 | PELANDALE |
| 18 | HIGH | 55 | MC KINNEY COLONY |
| 19 | HUIR | 56 | MORROW |
| 20 | ROSE PARK | 57 | STANISLAUS |
| 21 | E. ORANGEBURG | 58 | KIERNAN |
| 22 | SCENIC EAST | 59 | CLARIBEL |
| 23 | LA LOMA | 60 | HETCH HETCHY |
| 24 | E. LA LOMA | 61 | OAKDALE |
| 25 | RIVERSIDE | 62 | HABLE |
| 26 | AIRPORT | 63 | PLAINVIEW |
| 27 | WOODLAND | 64 | SANTA FE |
| 28 | W. MAZE | 65 | CLAUS |
| 29 | MAZE-WREN | 66 | MENLE |
| 30 | VINEYARD | 67 | YOSEMITE |
| 31 | TWAIN | 68 | EMPIRE WEST |
| 32 | NEAR WEST SIDE | 69 | EMPIRE EAST |
| 33 | PARADISE WEST | 70 | (DISCONTINUED) |
| 34 | BURBANK | 71 | BEARD INDUSTRIAL EAST |
| 35 | BELLENITA | 72 | LAKEWOOD EAST |
| 36 | FAIRWAY | 73 | MERLE EAST |
| 37 | FAIRVIEW | | |



CITY OF MODESTO

Figure V-6
**EXISTING
 SCHOOL SITES
 IN THE MODESTO
 URBAN AREA**
 (As of January, 1985)

LEGEND



SCHOOL

E

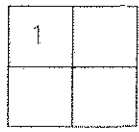
ELEMENTARY SCHOOL

M

MIDDLE SCHOOL

H

HIGH SCHOOL



REFERENCE POINTS

- STREET CENTERLINES
- HIGHWAY RD
- RAILROADS
- RIVERS



FILE NUMBER
 100-100-100



CITY OF MODESTO

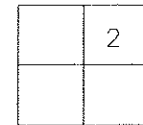
Figure V-6
**EXISTING
SCHOOL SITES
IN THE MODESTO
URBAN AREA**
(As of January, 1995)

LEGEND



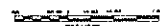
SCHOOL

- E ELEMENTARY SCHOOL
- M MIDDLE SCHOOL
- H HIGH SCHOOL

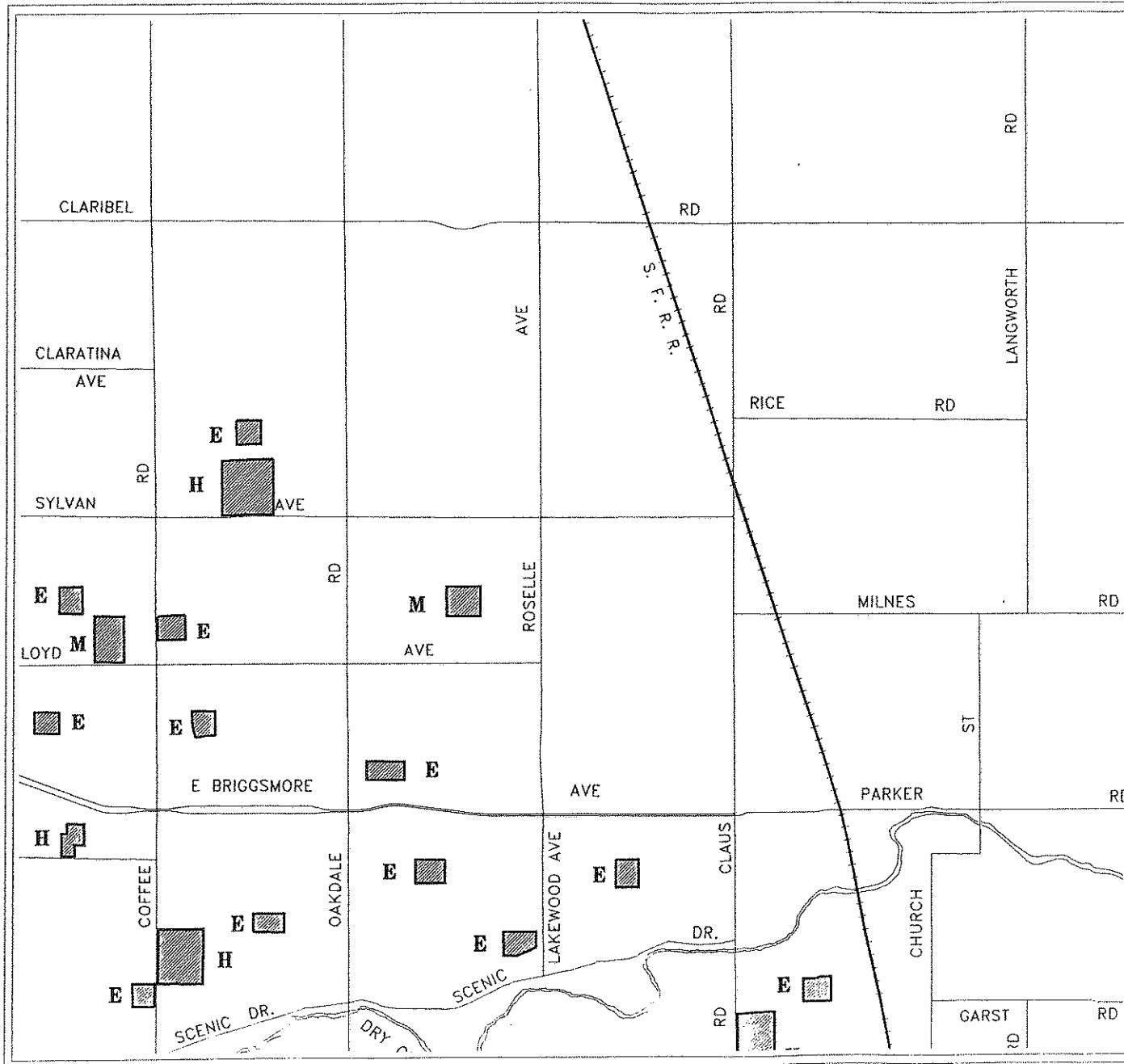


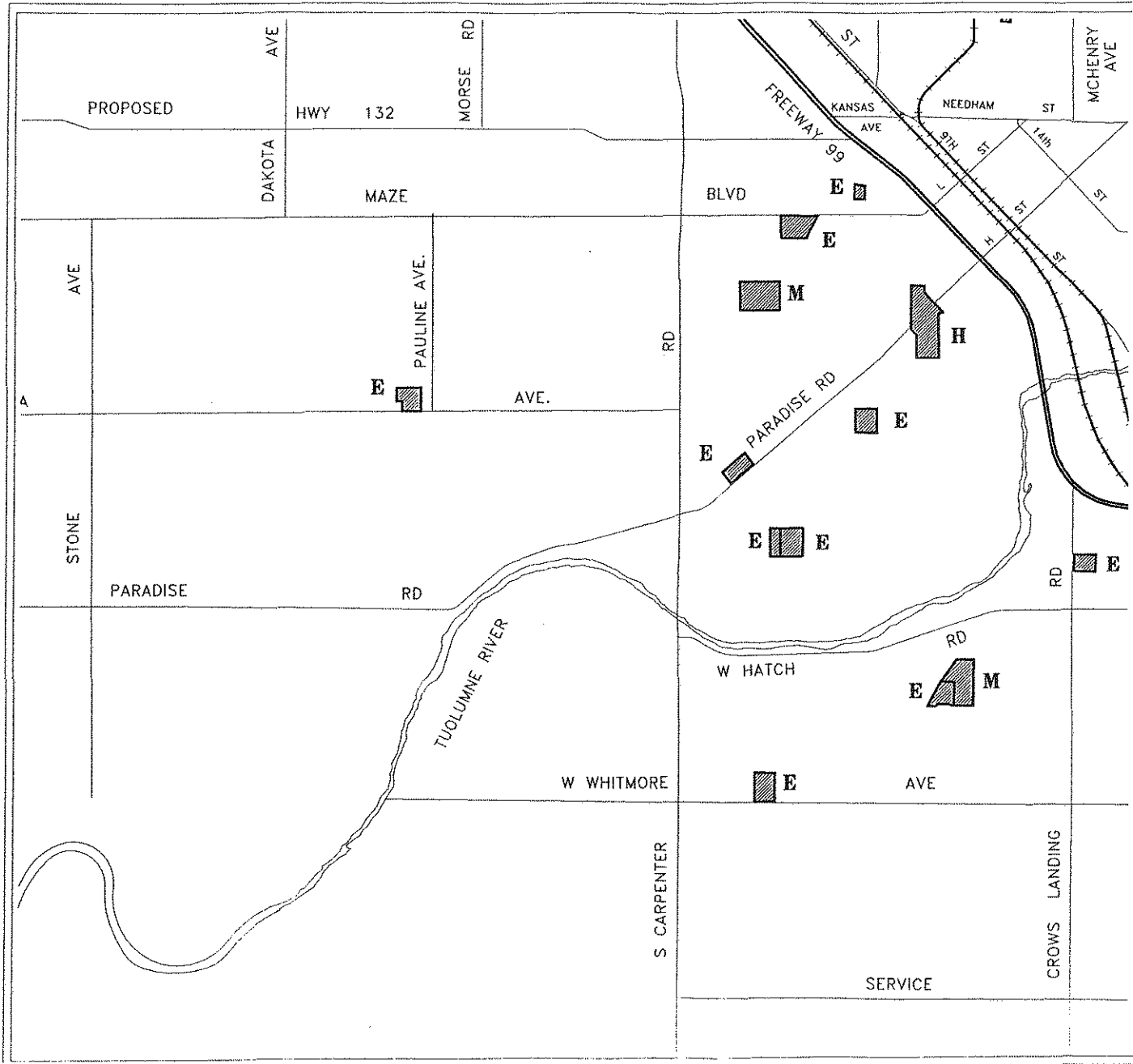
REFERENCE POINTS

- STREET CENTERLINES
- HIGHWAY 99
- RAILROADS
- RIVERS




DATE

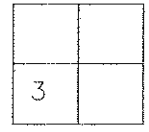








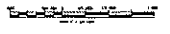
CITY OF MODESTO

Figure V-6
EXISTING SCHOOL SITES IN THE MODESTO URBAN AREA
 (As of January, 1995)

- LEGEND**
-  SCHOOL
 - E ELEMENTARY SCHOOL
 - M MIDDLE SCHOOL
 - H HIGH SCHOOL



- REFERENCE POINTS**
-  STREET CENTERLINES
 -  HIGHWAY 99
 -  RAILROADS
 -  RIVERS




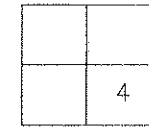


CITY OF MODESTO





Figure V-6
EXISTING
SCHOOL SITES
IN THE MODESTO
URBAN AREA
(As of January, 1995)

LEGEND

-  SCHOOL
- E ELEMENTARY SCHOOL
- M MIDDLE SCHOOL
- H HIGH SCHOOL

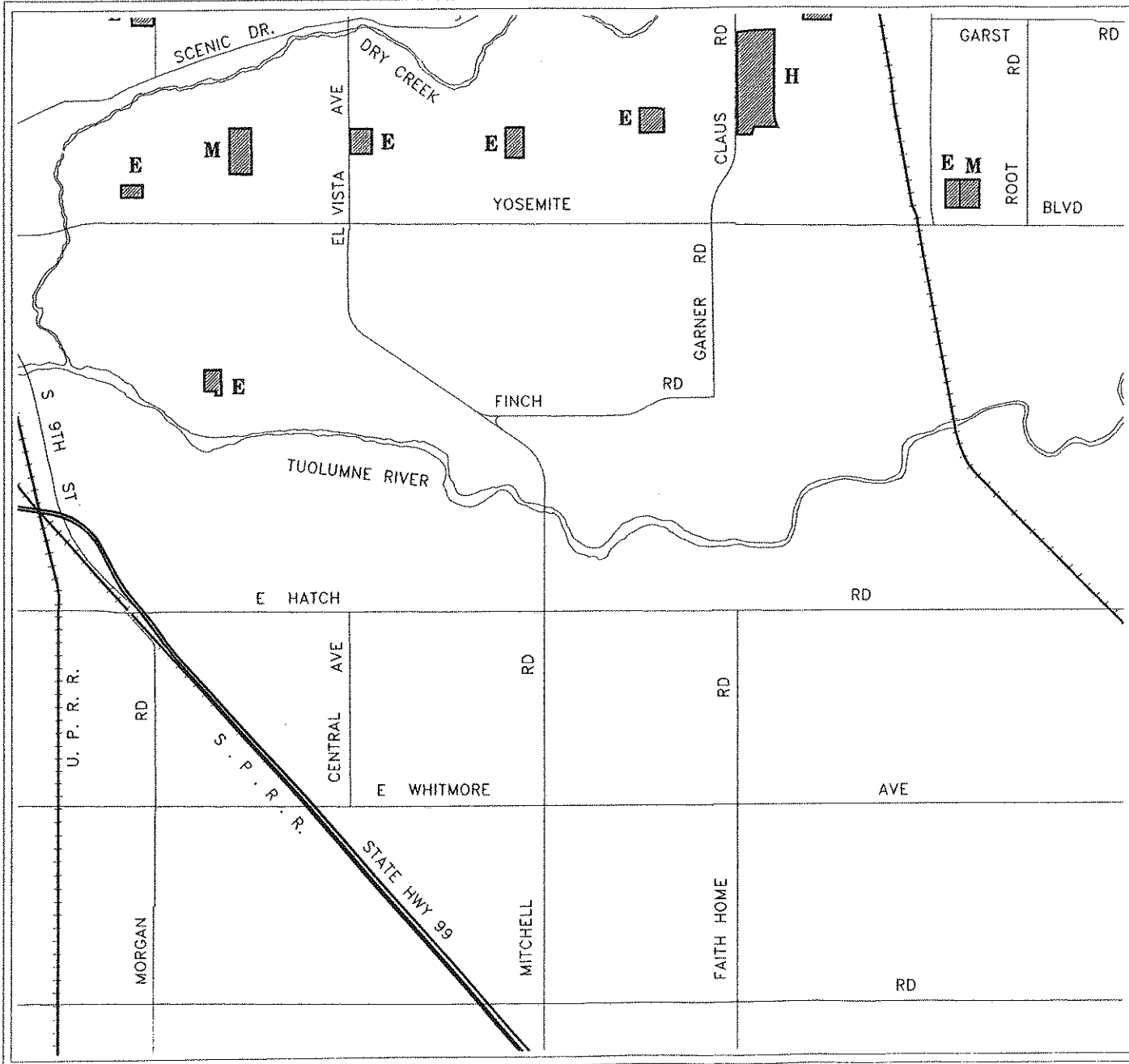


REFERENCE SYMBOLS

-  STREET CENTERLINES
-  HIGHWAY 99
-  RAILROADS
-  RIVERS



ALL RIGHTS RESERVED



CHAPTER VI
PUBLIC SAFETY ISSUES

VI. PUBLIC SAFETY ISSUES

- A. INTRODUCTION
- B. PUBLIC SAFETY - SEISMIC AND GEOLOGICAL HAZARDS
- C. PUBLIC SAFETY - FLOODING HAZARDS
- D. PUBLIC SAFETY - FIRE HAZARDS
- E. PUBLIC SAFETY - MISCELLANEOUS ISSUES

FIGURES:

VI-1 Geological Hazards

VI-2 Flood Potential Diagram

VI-3 Emergency Evacuation Routes

CHAPTER VI

PUBLIC SAFETY ISSUES

A. INTRODUCTION

The physical urban development envisioned in Chapter III must consider certain public safety issues.

Public safety issues addressed in this Chapter include: Seismic and Geologic Hazards, Flood Hazards, Fire Hazards, and Miscellaneous Issues such as Landslides, Erosion, Expansive Soils, Subsidence and Evacuation Routes. The policies presented in these Sections are intended to comply with Section 65302 (g) of the Government Code.

B. PUBLIC SAFETY - SEISMIC AND GEOLOGICAL HAZARDS

1. Overview

There are no known geologic faults in the Planning Area or in the valley portion of Stanislaus County. The nearest faults are the Tesla Ortigalita fault in the Diablo Range, and the Bear Mountain and Melones faults in the eastern part of Stanislaus County - both of which have been inactive for the last 150 million years. There are no Alquist-Priolo Special Studies Zones in Modesto. Figure VI-1, "Geological Hazards," is a Stanislaus County-generated map which indicates that such hazards do not exist in the Modesto Urban Area.

Like any other place in the valley, the area could be impacted by earthquakes along faults in other parts of the region and elsewhere in California. Recorded earthquakes from faults outside the Modesto Urban Area have in the past produced ground shaking to an intensity of VI on the Modified Mercalli Intensity Scale of 1931. According to the State Division of Mines and Geology, ground shaking to an intensity of VII is possible in the future.

A maximum-intensity earthquake would be capable of causing considerable damage in ordinary structures. Most injuries, loss of life and property damage during earthquakes result from structural failures due to ground shaking. Damage from ground shaking is a combined function of the structural integrity of the buildings before the earthquake, and the quality of soils or bedrock underlying the buildings.

Older structures generally were not built to withstand the lateral stress imposed by the ground shaking of a major earthquake. Generally, the older the structure, the less likely it is to resist an earthquake. This applies particularly to buildings having walls of non-reinforced brick held together by sand-lime mortar, and in general to all multi-storied buildings that do not have steel reinforcements.

As part of implementing Public Resources Code Section 2690 et seq. (Seismic Hazards Mapping Act), the California Division of Mines and Geology is establishing a program to map liquefaction and landslide potential in various parts of the state. The Division of Mines and Geology will provide, in addition to maps, policies and criteria regarding the responsibilities of cities, counties, and State agencies pursuant to development in designated seismic hazard areas.

2. Seismic and Geological Hazard Policies - Baseline Developed Area and Planned Urbanizing Area

Although the Modesto Urban Area is relatively free from recent seismic activity, the Uniform Building Code places all of California in Seismic Risk Zone 3, which means that all new structures must be designed to resist collapse in an intensity VIII earthquake. Further, the following policies are adopted throughout the General Plan Area.

- a. The City shall continue to use building codes as the primary tool for reducing seismic risk in structures. The Uniform Building Code, which has been adopted by Modesto, Stanislaus County and the other cities in the County, is intended to ensure that buildings resist major earthquakes of the intensity or severity of the strongest experience in California, without collapse, but with some structural as well as nonstructural damage. In most structures, it is expected that structural damage could be limited to repairable damage, even in a major earthquake.
- b. The City shall continue to require all new buildings in the City to be built under the seismic requirements of the Uniform Building Code, 1979 (or subsequent) editions.
- c. The City shall continue to explore measures to induce building owners to upgrade and retrofit structures to render them seismically safe.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

C. PUBLIC SAFETY - FLOODING HAZARDS

1. Overview

Flooding is one of the costliest natural hazards in California. In the Modesto area the problem of flooding, defined as breaching of the banks of a natural water course, is limited to property along Dry Creek, Stanislaus and Tuolumne

Rivers. Completion of the Don Pedro Dam effectively reduces exposure to flood damage on both the Tuolumne River and lower reaches of Dry Creek; construction of the New Melones dam has significantly reduced the chance of flood damage on the Stanislaus River. Portions of the Stanislaus River still flood to the extent that there can be crop damage, but the U.S. Army Corps of Engineers has purchased flowage easements to accommodate this periodic inundation. Figure VI-2, "Flood Potential Diagram," describes certain areas to be studied further to ensure that new development is not located within areas potentially inundated by the "100 year flood," as defined by the Federal Emergency Management Agency.

Programs for reducing flood losses include both structural and non-structural approaches, some directed at preventing floods, other at controlling that which cannot be prevented. The Don Pedro Dam on the Tuolumne River is a method of prevention. Channel maintenance and development is an additional means of flood prevention. Nonstructural measures include flood forecasting, zoning, exclusions from designated floodways, building code requirements and evacuation from flood areas.

In the urban area of Modesto, nonstructural approaches to minimize flood hazards seem to be the most effective approach. To this end the City adopts the following policies.

2. Flood Hazard Policies - Baseline Developed Area

When development is proposed on parcels located within any "Flood Potential Study Area" shown on Figure VI-2, the following policies apply:

- a. New urban development shall be approved only when the developer shows it to be protected from "100 year" floods.
- b. Existing urban development within areas subject to a "100 year" flood shall be provided with mitigation measures that offer protection from possible flooding.
- c. Undeveloped floodway and floodplain areas shall be preserved for non-urban use.
- d. Appropriate emergency plans for the safe evacuation of people from areas subject to inundation from dam failure shall be reviewed and periodically updated.

3. Flood Hazard Policies - Planned Urbanizing Area

- a. All of the Flood Hazard Policies adopted for the Baseline Developed Area apply equally within the Planned Urbanizing Area.
- b. The Focused Environmental Impact Report, for any Comprehensive Planning District located within a "Flood Potential Study Area" on Figure

VI-2, shall include a Flood Hazard Analysis developed to mitigate all of the Flood Hazard impacts identified in the Master Environmental Impact Report.

- c. The results of the Flood Hazard Analysis shall be incorporated into the project design of any Comprehensive Plan.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

D. PUBLIC SAFETY - FIRE HAZARDS

Fire protection policies within the City of Modesto are contained in Chapter V. Fire hazards in Modesto are primarily associated with urban fires. Urban fires may be defined as fires which occur in commercial, industrial and residential structures. Most urban fires are caused by human activity, and may result in property damage, injuries, and loss of life.

Over the years, building codes have been established and utilized to reduce the frequency and severity of urban fires. Electrical construction standards have been improved, building separation requirements have been implemented, and fire walls are now required to separate closely sited structures and properties. Buildings which are highly susceptible to fire may also have automatic sprinkler systems installed. Development standards established by the City of Modesto and Stanislaus County zoning codes, including setback and access requirements, also help to minimize urban fire hazards. However, despite these measures, older buildings which do not meet current building codes and/or were constructed prior to the implementation of protective zoning may represent a significant fire hazard.

Peak-load water supply is defined as "the supply of water available to meet both domestic water and fire fighting needs during the particular season and time of day when domestic water demand on a water system is at its peak". Pipeline sizes, pump capacities, and water storage capacity should be adequate to meet the demand for peak-load water supply. The following Policies supplement the Fire Protection Policies contained in Section V-K.

1. Fire Hazard Policies - Baseline Developed Area and Planned Urbanizing Area
 - a. Peak Load Water Supply

The City shall ensure that adequate water fire-flows are maintained throughout the City and shall regularly monitor fire-flows to ensure adequacy. New development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire

Chief is allowed by the Uniform Fire Code to alter any published standards.

b. Minimum Road Widths and Clearances Around Structures

Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards.

E. PUBLIC SAFETY - MISCELLANEOUS ISSUES

1. Landslides

A landslide is the downhill movement of masses of earth material under the force of gravity. Movement may be rapid or so slow that a change of position can be noted only over a period of weeks or years. Landslides are a common problem in hillside areas; however, most of Modesto is flat and there is very limited exposure to this type of hazard. Development along the banks of Dry Creek and the Stanislaus and Tuolumne Rivers could be subject to this type of hazard. Erosion is controlled through the following measure:

- a. Any construction which occurs as a result of the General Plan must conform with the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology.

2. Erosion

Erosion generally involves two somewhat distinct problems - the wear and removal of materials from one site and its deposition at another. The removal of soils through erosion can be damaging in situations of sheet and gully erosion of land surfaces, the wind-blown denudation of lands, and the erosion of stream courses and banks. Deposition damage affects flood plains, rivers, lakes, and reservoirs, and may clog drainage structures. Activities by man frequently accelerate erosion-related damages and losses.

Erosion in the Modesto Urban Area is a nominal concern and is limited to areas adjacent to Dry Creek and the Stanislaus and Tuolumne Rivers. We are primarily concerned with bank protection in these areas. The responsibility for erosion control belongs to the landowner or developer who modifies the land surface and is monitored and controlled by the community through the grading requirement of the Building Code and controls on the subdivision of land. The erosion control program shall be consistent with the following measures:

- a. Fluvial erosion related to construction shall be controlled by a construction erosion control program which shall be filed with the City Public Works & Transportation Department and kept current throughout any site development phase.
- b. The erosion control program shall include "best management practices" as appropriate, given the specific circumstances of the site and/or project. Table 9-2 in the Master Environmental Impact Report presents examples of best management practices.
- c. Sediment control basins to capture eroded sediments and contain them on the project sites shall consider appropriate design criteria as outlined in Table 9-3 in the Master Environmental Impact Report.

3. Expansive Soils

Expansive soils are earth materials which greatly increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. Movement may vary under different parts of a building with the results that foundations crack, various structural portions of the building are distorted, and doors and windows are warped so that they do not function properly. In the Modesto urban area, there is low exposure to this type of problem, which can be easily and reasonably controlled by the adopted Uniform Building Code.

4. Subsidence

Subsidence of the land surface, as a result of the activities of man, has been occurring in California for many years. Subsidence can be divided on the basis of causative mechanisms into four types: groundwater withdrawal, gas and oil withdrawal, hydrocompaction from irrigation and peat oxidation. Groundwater withdrawal subsidence is the most extensive and has been the most costly of the four types of subsidence in California. Based upon all information available, the Modesto Urban Area is free from subsidence problems.

5. Evacuation Routes

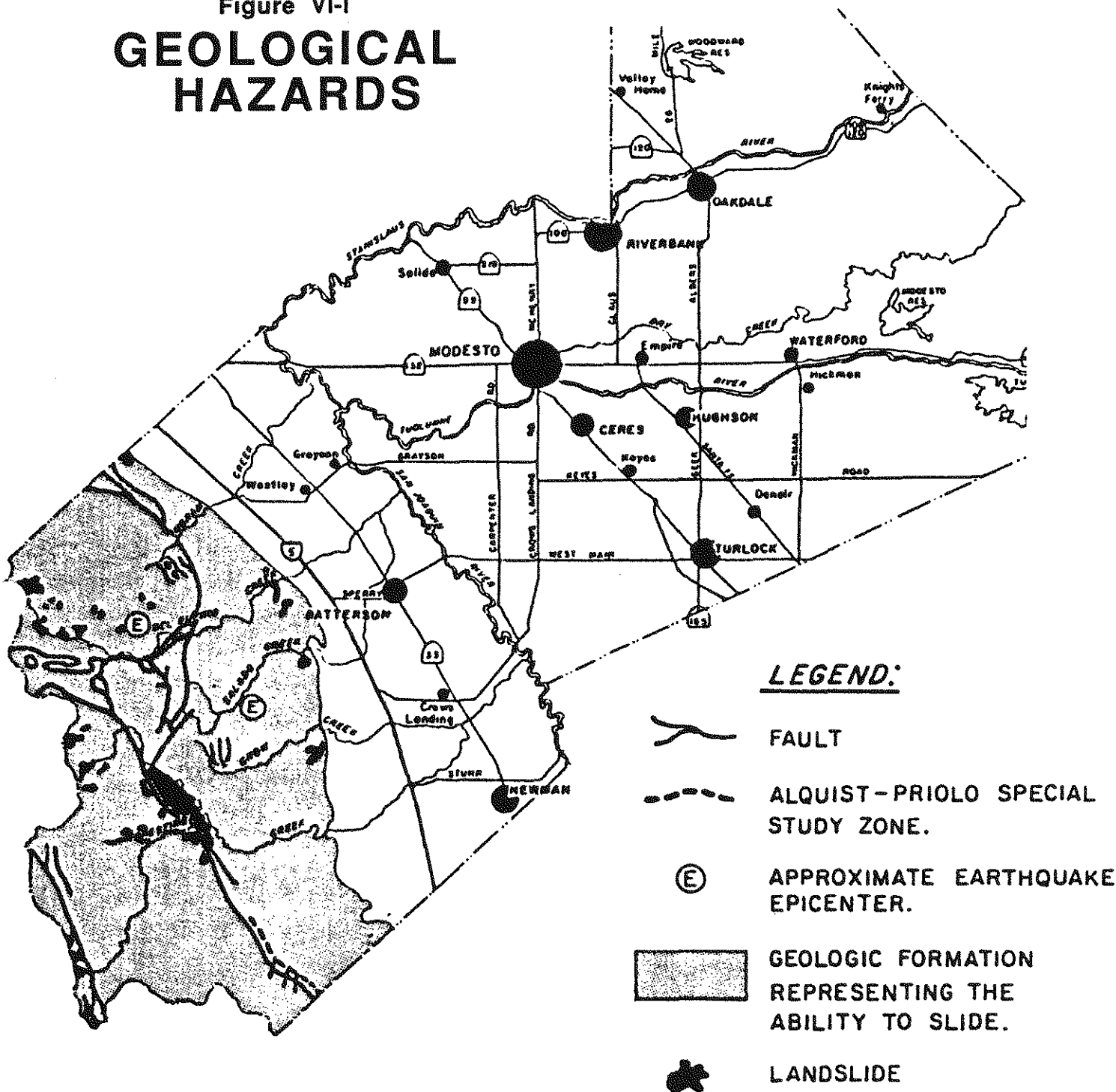
Figure VI-3 identifies Emergency Evacuation Routes, as required by Section 65302 (g) of the Government Code. The following policies are adopted.

- a. The City shall promote public awareness of the following local routes for the public's use in evacuating the City in the event of an emergency:
 - (1) State Highways 99, 132, 219, and 108
 - (2) Briggsmore Avenue
 - (3) Claus Road
 - (4) Standiford/Sylvan Avenue

- (5) Scenic Drive
- (6) Pelandale Avenue
- (7) Ninth Street
- (8) Paradise Road
- (9) Carpenter Road

- b. City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and identified emergency evacuation routes (Figure VI-3).

Figure VI-1
**GEOLOGICAL
 HAZARDS**



SOURCES: GEOLOGY OF THE BOARDMAN QUADRANGLE, SANTA CLARA, STANISLAUS COUNTIES, CALIFORNIA; by Marshall E. Maddock, 1964.

GEOLOGICAL MAP OF CALIFORNIA, SAN JOSE SHEET, OLAF P. JENKINS EDITION. U. S. C. S.

PRELIMINARY EARTHQUAKE EPICENTER MAP OF CALIFORNIA, 1934 TO JUNE 30, 1970. The Resources Agency Department of Conservation, State of California.

State Division of Mines and Geology

ENVIRONMENTAL RESOURCES MANAGEMENT ELEMENT, GEOLOGY AND SEISMIC SAFETY; Stanislaus Area Association of Governments, 1974.



CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure VI-2


FLOOD POTENTIAL
DIAGRAM

LEGEND





DESIGNATIONS

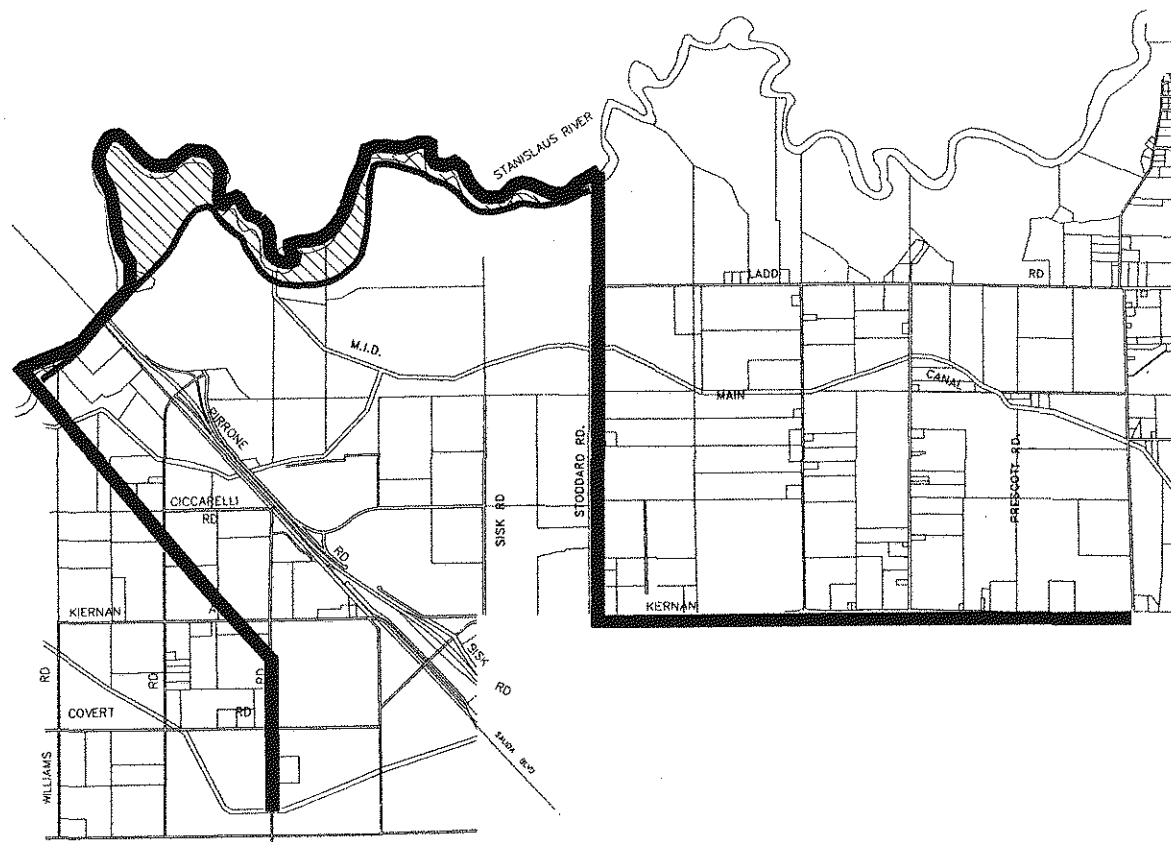
 FLOOD POTENTIAL STUDY AREA

BOUNDARY LINES

 GENERAL PLAN BOUNDARY

REFERENCE POINTS
(For illustration only, not adopted)

 STREETS
 FREEWAY
 RAILROADS
 RIVERS






CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure VI-2


FLOOD POTENTIAL
DIAGRAM

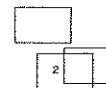
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DESIGNATIONS





 FLOOD POTENTIAL
STUDY AREA

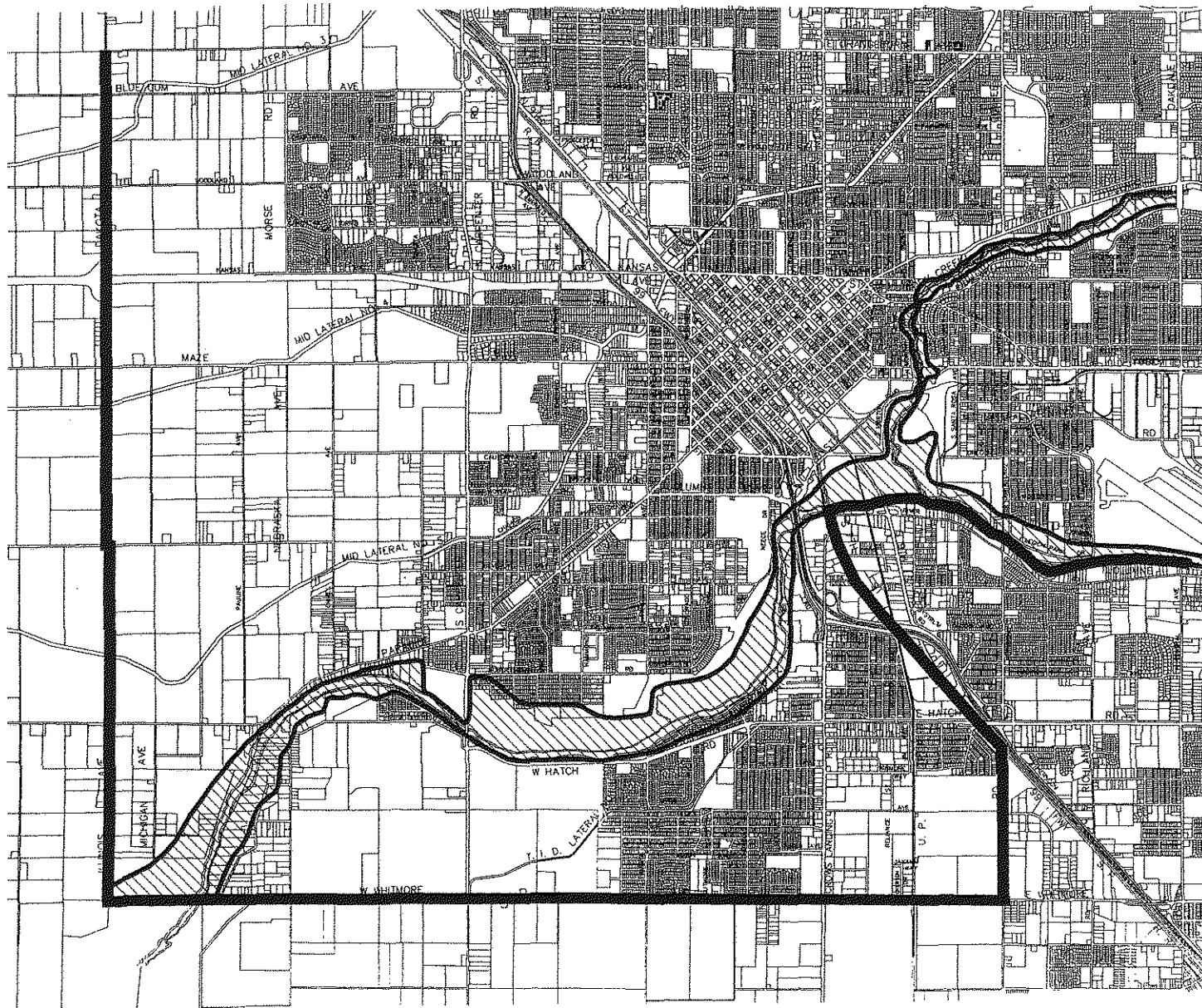
BOUNDARY LINES

 GENERAL PLAN BOUNDARY



REFERENCE POINTS
(For illustration only; not adopted)

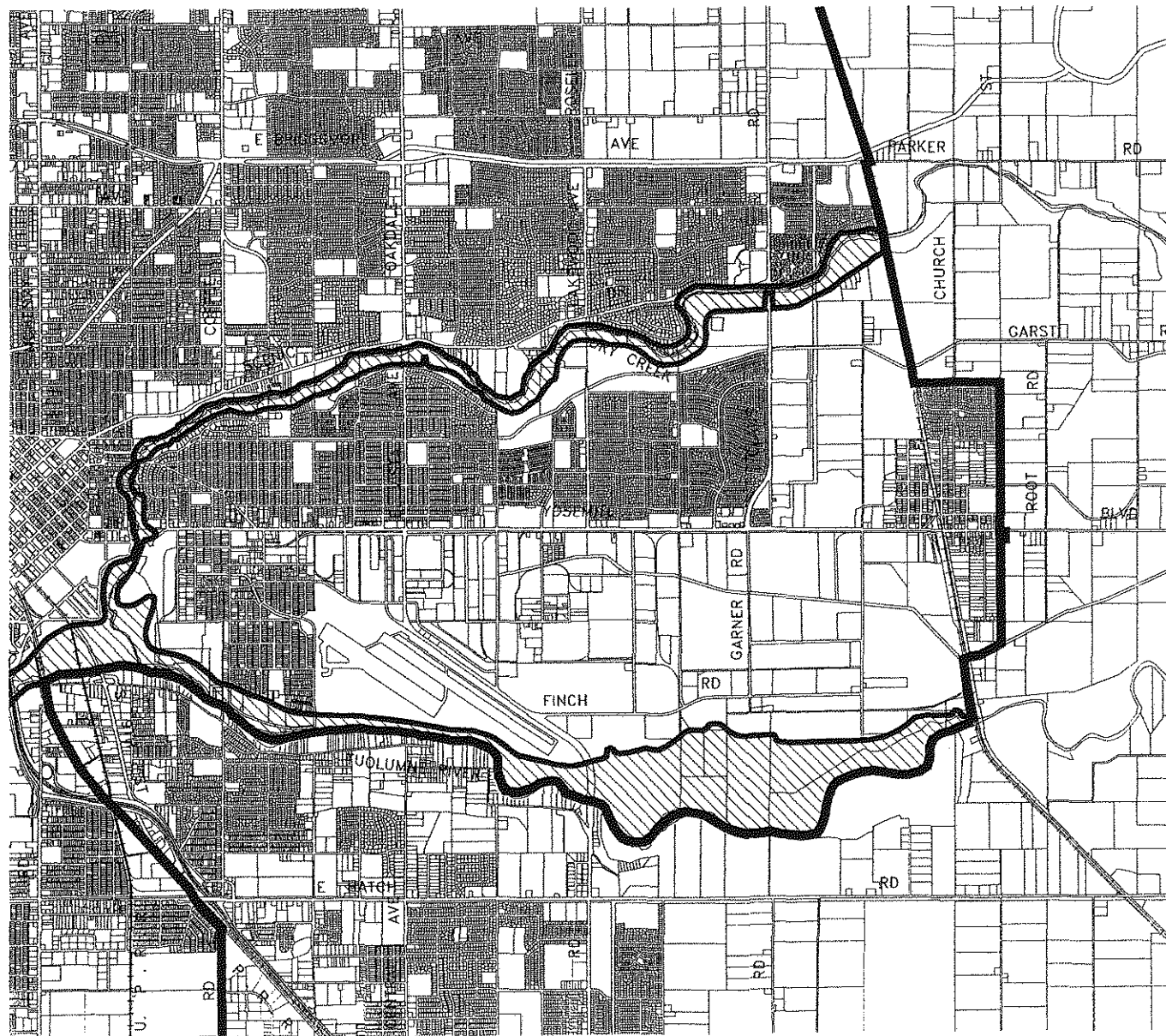
 STREETS
 FREEWAY
 RAILROADS
 RIVERS





CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure VI-2
FLOOD POTENTIAL
DIAGRAM




LEGEND

DESIGNATIONS

 FLOOD POTENTIAL STUDY AREA

BOUNDARY LINES

 GENERAL PLAN BOUNDARY

REFERENCE POINTS

(For illustration only; not adopted)





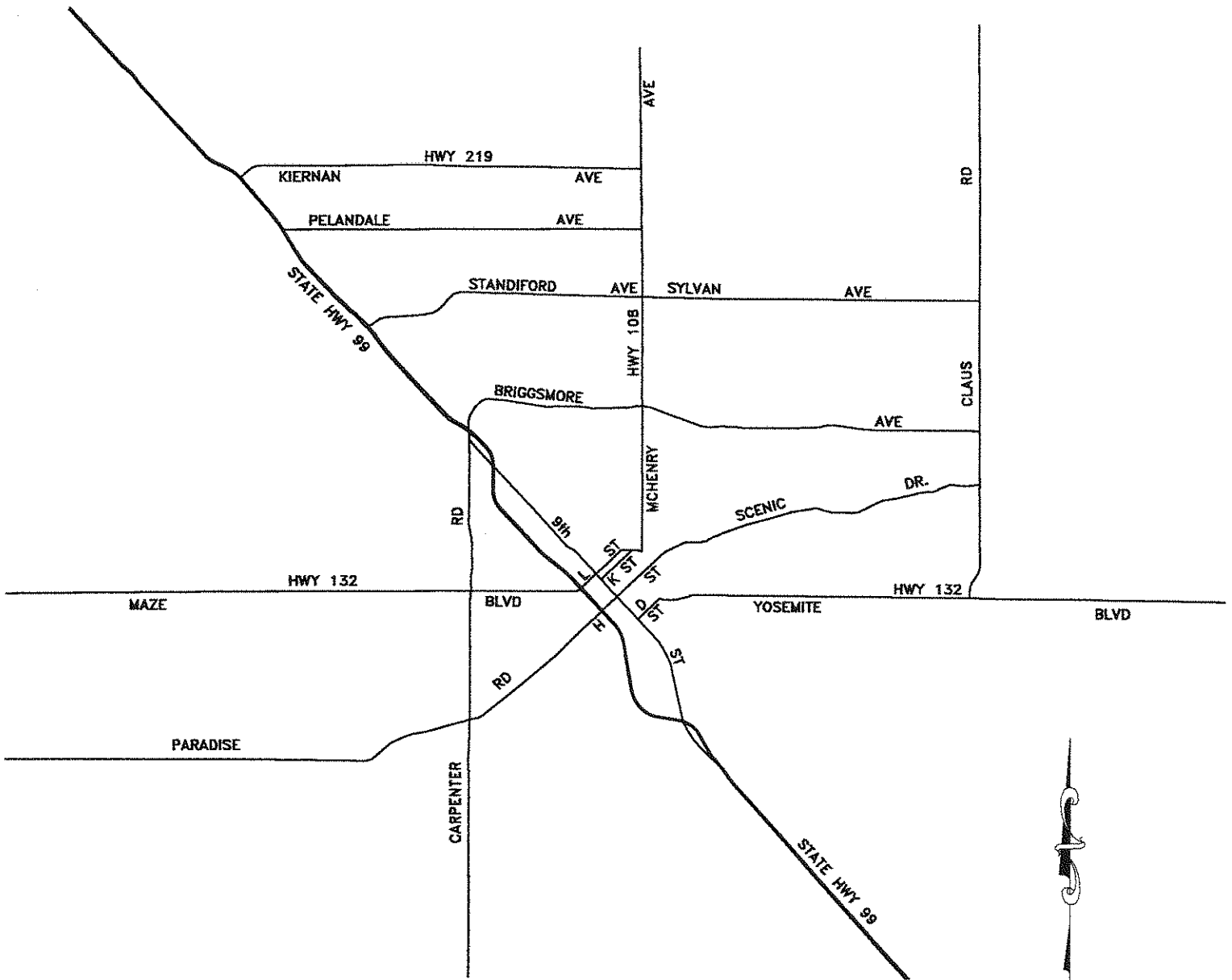
 STREETS
 FREEWAY
 RAILROADS
 RIVERS



Figure VI - 3
EMERGENCY EVACUATION ROUTES



CHAPTER VII
ENVIRONMENTAL RESOURCES AND
OPEN SPACE

VII. ENVIRONMENTAL RESOURCES AND OPEN SPACE

- A. INTRODUCTION
- B. LOCAL OPEN SPACE PLAN
- C. SOILS AND GEOLOGIC RESOURCES
- D. AGRICULTURE RESOURCE POLICIES
- E. WILDLIFE AND OTHER NATURAL RESOURCES
- F. ARCHEOLOGICAL AND CULTURAL RESOURCES
- G. NOISE
- H. AIR QUALITY
- I. ENERGY CONSERVATION

FIGURES:

VII-1 Noise Contour Map

VII-2 Land Use Compatibility For Community Noise Environments

CHAPTER VII

ENVIRONMENTAL RESOURCES AND OPEN SPACE

A. INTRODUCTION

The physical urban development envisioned in Chapter III must consider certain environmental resource issues. Environmental resources addressed in this Chapter include: the "local open space plan," as required by Section 65563 of the Government Code; geology and soils; agriculture; wildlife and other natural resources; archaeological and cultural resources; noise (Section 65302(f)); air quality; and energy conservation.

B. LOCAL OPEN SPACE PLAN

Open space needs are broadly identified by the State legislature. It is within this scope that local jurisdictions must identify specific areas and targets of preservation, development and/or production. Government code Section 65560 lists four broad categories to be designated on a local open space plan: Open space for 1) the preservation of natural resources, 2) public health and safety, 3) managed production of resources, and 4) outdoor recreation. These categories will be discussed in detail as they relate to the Modesto Urban Area.

1. Open Space for the Preservation of Natural Resources

State law defines this as areas required for the preservation of plant and animal life and areas required for ecologic and other scientific study purposes: rivers, streams, bays, estuaries, coastal beaches, lakeshores, and watershed lands. The Modesto Urban Area contains three such areas of preservation of natural resources: the Stanislaus River, Tuolumne River, and Dry Creek.

All three of these rivers are proposed to be acquired and maintained as Regional Parks. Chapter III of this General Plan presents detailed policies, in the form of Comprehensive Planning Districts, for the development of these three parks.

2. Open Space for Public Health and Safety

Open space for public health and safety includes areas which require special management or regulation because of hazards or special conditions such as earthquake fault zones, flood plains, areas presenting high fire risks, water reservoirs, and areas required for the protection of enhancement of air quality (Government Code Section 65560).

Chapter VI of this General Plan presents Policies to address the issues raised in the above State statute. More specifically there is not an earthquake fault underneath the Modesto Urban Area, nor are there significant opportunities for land slides, volcanic hazards, erosion or expansive soils. Designated floodways have been established on both Dry Creek and the Tuolumne and

Stanislaus Rivers and permits are required from the State Reclamation Board before any construction is approved. The Building Code regulates all construction in these areas. The Tuolumne River Regional Park and Dry Creek Park contribute to preservation of the floodway.

3. Open Space for Managed Production of Resources

The Government Code lists the following kinds of land used for managed production of resources: forest lands, range lands, agricultural lands, areas important for the management of commercial fisheries, and areas containing major mineral deposits.

The Modesto Urban Area has two areas in which the managed production of resources is important: recharge of the groundwater basin and agricultural lands. Groundwater has traditionally been used by the City for its domestic, commercial and industrial needs. With the City's continued growth, this has led over the years to overdrafting of the groundwater basins. As a result, the City of Modesto has undertaken several steps to stabilize the groundwater basins. Policies to address groundwater stabilization are found in Section V-C.

Agricultural issues are presented in more detail in Section VII-D, which follows.

4. Open Space for Outdoor Recreation

Government Code Section 65560 defines open space for outdoor recreation to include areas of outstanding scenic, historic, and cultural value, areas suited for parks and recreation purposes and areas which serve as links between major recreation and open-space reservations. Section V-G of this General Plan focuses on the City's neighborhood and community park system as the major source of outdoor recreation opportunities in the City.

5. Open Space Policies - Parks

- a. Within the Baseline Developed Area, there shall be no net loss of existing parkland. Figure V-3 presents the existing (1995) park system. Section V-G(2) presents a variety of policies applying to parks within the Baseline Developed Area.
- b. Within the Redevelopment Area, the Redevelopment Plan, adopted in 1991, contains adequate policies applicable to the Redevelopment Project Area.
- c. Within the Planned Urbanizing Area, development of new parkland and open space shall be accomplished through the application of specified performance standards presented in Section V-G(3).

- d. The regional park systems for Dry Creek and the Stanislaus and Tuolumne Rivers are defined in Chapter III, as follows: the Stanislaus River Comprehensive Planning District, the Tuolumne River Comprehensive Planning District, and the Dry Creek Comprehensive Planning District.

6. Open Space Policies - River Greenway Program

The State Lands Commission holds a fee ownership in the bed of the Stanislaus and Tuolumne Rivers between the two ordinary low water marks. The entire rivers between the ordinary high water marks are subject to a Public Trust Easement. Both easement and fee owned lands are under the jurisdiction of the State Lands Commission (Public Resources Code Section 6301 and Section 6216). Use of lands underlying the State's easement must be consistent with Public Trust needs in the area. In addition, the State may have a sovereign interest in Dry Creek. However, due to staff limitations of the State Lands Commission, a study of this area to define the precise nature and extent of the State's interest had not been initiated in 1995.

State Lands Commission staff believes that the general plan update is an excellent opportunity to incorporate public trust resource protection values and, specifically, a greenway concept. The City Parks and Recreation Director agrees with State Lands Commission staff; therefore, the following policies, collectively referred to as the "River Greenway Program," are adopted to guide the development of parkland within the Dry Creek, Stanislaus River, and Tuolumne River Comprehensive Planning Districts (see Chapter III):

- a. Visual corridors of the river will be protected and enhanced.
- b. Visual corridors and access points on the riverfront will be recreated through redevelopment.
- c. Public access points and linear foot and bike paths will be incorporated into residential redevelopment.
- d. Riverfront vegetation will be consistent with riparian habitat zones.
- e. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas (e.g. nature education and research, fishing and habitat protection).
- f. The scenic resources of Public Trust lands and resources shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect scenic views associated with Public Trust lands and resources.

7. Implementation

- a. The Neighborhood and Community Parks implementation programs are presented in Chapter V.
- b. The Regional Park system consisting of Dry Creek, Stanislaus River, and Tuolumne River shall be developed through the "Comprehensive Planning District" process outlined in Chapter III. The River Greenway Program policies (Section VII-B(6), above) shall be incorporated into each of these three Comprehensive Planning Districts by including the following design elements:
 - (1) A riparian protection, restoration and maintenance plan.
 - (2) A Riverfront Greenway trail element identifying access points and interconnection with any appropriate pathway programs;
 - (3) Dedication requirements to guarantee access is permanent (e.g. dedication of fee, easement, or deed restriction);
 - (4) A maintenance and operations element specifying how trails and accessways shall be maintained and operated and by what agency;
 - (5) A trail/accessway standards element specifying standards including minimum width of trails, trail surface, etc. consistent with state and federal law and state standards.
- c. Any action by a county or city by which open space land or any interest therein is acquired or disposed of or is restricted or regulated, whether or not pursuant to this part, must be consistent with the local open space plan (Section 65566, Government Code).

C. SOILS AND GEOLOGIC RESOURCES

This Section deals with soils and other geologic features as resources. Section VI-C deals with soils and geologic features as hazards. This Section is intended to comply with Section 65302(d) regarding "...the conservation, development, and utilization of...soils."

The alluvial fan soils in the area of Modesto are highly suitable for agriculture. The soils are composed of materials derived from Sierran granitic terraces. The following soils found in the Modesto area are particularly suited to agriculture:

Chualar Series. These soils are moderately well drained and moderately coarse textured. They are on smooth, very gently sloping to nearly level relief. Many areas of these soils are in the vicinity of Modesto, especially to the north and northwest. They are important for growing a wide variety of orchard, vineyard, field and forage crops. Yields are good to excellent.

Dinuba Series. These soils are imperfectly drained and moderately coarse textured. They are very gently sloping to nearly level. They are found north and northwest of Modesto. These soils are largely cultivated. They are mainly used for irrigated pasture and grain and vine crops.

Hanford Series. These soils are well drained and moderately coarse textured. They have smooth, very gentle slopes. They are along the Stanislaus and Tuolumne Rivers and on broad alluvial fans in the Modesto vicinity. These are important soils for the production of a wide variety of irrigated orchards and field and truck crops.

Modesto Series. These soils are moderately well drained, medium and moderately fine textured. They occur on nearly level areas where runoff is very slow. They are found north and northwest of Modesto. These soils are used for a wide variety of field crops and for orchards and vineyards.

In addition to soil resources, aggregate sand and gravel resources are found along the Stanislaus River. A surface mining operation for aggregate existed near the Stanislaus River at the northwestern corner of the General Plan area, but ceased operation in 1966. This site has since been converted into a concrete aggregate recycling operation.

No specific policies are proposed in this Section. Policies for soils resources as they relate to agricultural production can be found in Section VII-D.

D. AGRICULTURE RESOURCE POLICIES

1. Overview

As in other parts of the Central Valley, Modesto is located in the center of rich agricultural lands. This means that urban expansion almost inevitably results in conversion of agricultural land to urban uses. The General Plan Land Use Diagram and Plan policies define the long-term edge between urban and agricultural activities.

Most of the agricultural land in the General Plan Area is found outside Modesto's corporate limits. A wide variety of crops are grown. Predominant among them are fruits and nuts, with almonds representing a major share.

Almost all farmland in the General Plan Area is rated by the California Department of Conservation as either "Prime" or "of Statewide Importance" (See Figure 4-1, "Important Farmland", Master Environmental Impact Report). The Master Environmental Impact Report presents a detailed analysis of the characteristics of this farmland. Prime Farmland is the most suitable for a variety of agricultural uses based on soil characteristics, irrigation, and other indicators. Farmland of Statewide Importance is distinguished from Prime Farmland because it is less desirable with respect to rooting depth, permeability, salinity or alkalinity, and/or erosion hazard. These classifications do not provide information about actual productivity of the land, which is also

affected by availability of irrigation water, and the use of agricultural management techniques. Many valuable commodities (for example, milk) are produced in areas with relatively poor soils.

The displacement of Productive Agricultural Soils by urban uses represents a "significant environmental effect which cannot be avoided." The Project Objectives of the General Plan, as presented in Chapter I require an urban development pattern to be introduced into all areas depicted on the General Plan Land Use Diagram. Given the magnitude of the significant environmental impacts to Agriculture, no mitigation is available, over the long term, which would reduce these impacts to an insignificant level.

At best, the City can strive to ensure that productive agricultural operations can remain intact as long as possible. Until urban development plans are approved, the premature loss of productive agriculture operations should be minimized.

2. Agriculture Policies - Baseline Developed Area

- a. If a subsequent project is within the Baseline Developed Area or Redevelopment Area as identified on the General Plan Growth Strategy Diagram (Figure II-1), the project shall be considered to have minimal effect on the conversion of agricultural lands, and no mitigation for that impact is required.

3. Agriculture Policies - Planned Urbanizing Area

The following policies apply to new development proposed in the Planned Urbanizing Area:

- a. The City will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City.
- b. The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent.
- c. The city shall encourage the County to retain agricultural uses on lands surrounding the General Plan area and on lands within the General Plan area pending their annexation to the city or development by mutual agreement with the County.
- d. Where necessary to promote planned City growth, the City shall encourage development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures.

- e. The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonably high density.
- f. For any subsequent project that is adjacent to an existing agricultural use, the project proponent may incorporate measures to reduce the potential for conflicts with the agricultural use. Potential measures to be implemented may include the following:
 - (1) Include a buffer zone of sufficient width between proposed residences and the agricultural use.
 - (2) Restrict the intensity of residential uses adjacent to agricultural lands.
 - (3) Inform residents about the possible exposure to agricultural chemicals.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

E. WILDLIFE AND OTHER NATURAL RESOURCES

1. Overview

This Section is intended to comply with Section 65302(d) of the Government Code regarding "...conservation, development, and utilization of natural resources including...wildlife...and other natural resources...".

The Modesto Urban Area hosts a variety of natural and altered habitats supporting a diverse assemblage of plant and animal species. Many of these species depend upon natural areas and linkages between natural areas for their survival. Other species are well adapted to and proliferate in urban areas. This second category of species may have deleterious impacts on native, sensitive, and other species which may lead to the reduction of biological diversity.

Eight habitat types, four natural and four human induced, supporting various plant communities and wildlife, have been identified within the City of Modesto's urban area:

- Valley Foothill Riparian
- Riverine
- Wetland

- Grassland
- Pasture
- Cropland
- Orchard-Vineyard
- Urban

Figure 7-1, in the Final Master Environmental Impact Report (Riparian Corridor Diagram), presents areas of the Modesto urban area where there is the greatest potential to impact wildlife and other natural resources.

2. Policies in the Baseline Developed Area

- a. For proposed development consistent with the General Plan on lands within the Baseline Developed Area and Redevelopment Plan Area, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, no further biological study is warranted unless specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources.

3. Policies in the Planned Urbanizing Area

Focused Environmental Impact Reports for Comprehensive Plans in the Planned Urbanizing Area shall incorporate the following measures.

- a. For all lands within the Planned Urbanizing Area, site specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area, as delineated on Figure 7-1 in the Final Master Environmental Impact Report (Riparian Corridor Diagram).

Surveys should be conducted at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS). The significant results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes.

- b. All habitat found to contain or potentially contain sensitive species shall be avoided and preserved unless doing so would create, isolate and/or fragment habitat that would not function adequately as judged by a qualified biologist and/or that the proposed development layout would be so constrained as to make the development financially infeasible; avoided habitat areas shall also be protected by fencing, signage and/or establishment of buffer zones as appropriate to the species or habitat

involved. Generally, a minimum 100-foot buffer of undeveloped land would be necessary. The protected habitat shall contribute to the long-term conservation of the species and ecosystems on which they depend.

- c. Where formally listed species are determined present, consultation shall be carried out with the CDFG and/or USFWS in accordance with the California and/or federal Endangered Species Acts. Where candidate or other special status category of species are involved, informal consultation with these agencies is recommended. The Recommendations of these agencies shall be incorporated into the development plan, unless overriding considerations can be demonstrated.
- d. Other measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include those measures listed in Table 7-1 in the Final Master Environmental Impact Report.

F. ARCHAEOLOGICAL AND CULTURAL RESOURCES

1. Overview

Archaeological resources include material remains indicating the presence of Native Americans. Material remains include artifacts, which were made, used, or altered by people, such as lithic material, groundstone, discarded artifacts, and human remains. These are often found in midden deposits, a rich organic dark brown soil that contains charcoal, ash, and food waste. Intermittent use of an area by Native Americans can also be seen in lithic (stone) scatters, and food processing sites such as bedrock mortar sites or areas with mortars and pestles. Burial grounds or cemeteries are often associated with habitation.

Figure 8-1 in the Master Environmental Impact Report, presents areas of the Modesto Urban Area where there is the greatest potential to impact archaeological and cultural resources.

Numerous resources have been identified within the Modesto Urban Area and environs. Specifically, four sites have been recorded at the Central California Information Center, Turlock, California. These areas include habitation sites, burials, artifacts concentrations, and are located near the Stanislaus and Tuolumne Rivers, Dry Creek, and terraces above waterways. However, information on prehistoric cultural resources in the Modesto Urban Area is limited as a result of development and limited archaeological research. Agricultural use, grazing, and urban expansion tend to erase evidence of cultural resources.

Historical resources generally include structures (residential, commercial, civic) and deposits relating to historic occupation of an area. In the Modesto Urban Area, historic cultural resources are primarily found within the urban area. Many of these cultural resources have been placed on various

preservation lists. Four buildings and a historic bridge are listed on the National Register of Historic Places. In addition, 120 properties are listed on the Directory of Determination of Eligibility (1990) for the National Register of Historic Places. Properties are also listed on the California Points of Historical Interest (1992) and the California Inventory of Historic Resources (1978). The City of Modesto's Landmark Preservation List in 1995 includes 19 properties with 442 properties surveyed for potential inclusion onto the Preservation List.

Additional resources exist below the ground. Remnants of razed buildings exist below the surface with related deposits such as trash pits. These sub-surface features are some of the only evidence of past activities, enterprises, and peoples.

2. Policies in the Redevelopment Area and Baseline Developed Area

- a. For all proposed development within an archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), a combination of archival research, particularly through the Central California Information Center at Turlock, and preliminary surface field reconnaissance shall be employed to identify any areas that may have been used by Native Americans. Areas containing prehistoric deposits shall be mapped with evaluation of their significance following only in those areas where proposed development might affect the resources.

Where proposed development could affect the resources, the City shall consult Table 8-1 in the Master Environmental Impact Report for the steps to be implemented.

- b. For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the Master Environmental Impact Report), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would allow the procedure described in Mitigation Measure 1, above.
- c. The City of Modesto shall implement regulations which identify important historic resources, and establish regulations to preserve the important aspects of those resources. The City could encourage adaptive reuse of listed buildings, including historically sensitive restoration, as a means of preserving eligible structures. Restoration and renovation of buildings should be performed in accordance with the "Secretary of the Interior's Standards for the Treatment of Historic

Properties" and the State Historic Building Code. The standards serve as guidelines for rehabilitation, restoration, preservation, retaining, and preserving historic character of a property.

- d. The City shall ensure that zoning provisions for structures of historical significance are sufficiently flexible to ensure that parking or other structures requirement of the Zoning Ordinance allow the historic structures to remain viable in the future.
 - e. If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the CEQA Guidelines.
4. Policies in the Planned Urbanizing Area
- a. Policies for the Planned Urbanizing Area are the same as those presented for the Baseline Developed Area.

G. NOISE

1. Overview

Noise pollution is recognized as a significant source of environmental degradation. In an effort to improve the quality of life in urban areas, California planning law requires every general plan to address local noise issues (Government Code Section 65302(f)). This Section of the General Plan identifies the community's noise goals and establishes its policies to reduce noise pollution. The policies presented in this Section were derived from mitigation measures established in the Master Environmental Impact Report, which in turn recognized the guidelines established by the State Office of Noise Control (Dept. of Health Services).

A "Noise Contour Map" (Figure VII-4) connects with closed lines those locations subject to the same average noise levels.

Figure VII-4 shows projected traffic noise levels at General Plan buildout generated by traffic, the airport, and the railroad. The noise contour data is also provided in the Master EIR. The noise levels are expressed in Community Noise Equivalent Level (CNEL). CNEL is a 24-hour average describing a noise environment consisting of a variety of single events. To account for increased sensitivity to noise during nighttime hours, the CNEL calculation penalizes evening and night sound levels. The decibel (dB) scale is logarithmic; a 3 dB difference is barely discernable to most people, and a 10 dB increase is subjectively heard as a doubling of noise. Every-day sounds normally range from 30 dB (very quiet) to 100 dB (very loud). All noise levels (dB) described

in the Noise Element are considered to be A-weighted, unless specifically described as otherwise.

For Planning purposes, the 60 Ldn contours represent "Noise Potential Impact Zones." These Impact Zones represent areas potentially impacted by noise sources in the community, including the following:

- a. Roadways. Noise sources which contribute significantly to the noise environment in the Modesto urban area include three highways, State Route 99 (SR 99), SR 132, and SR 108; various arterials; railroads; and the Modesto City-County Airport. Of the various roadways, highest sound levels occur along SR 99, as a result of its relatively high traffic volume and truck traffic. Caltrans has installed sound barriers along two portions of SR 99. In general, other roadways in the City are level and at grade with adjacent properties.

In addition to SRs 99, 108, and 132, truck routes in Modesto include all or portions of the following:

- Standiford/Sylvan Avenue
- Briggsmore Avenue
- Kansas Avenue/Needham Avenue
- Scenic Drive
- Carpenter Road
- Tuolumne Boulevard
- Empire Avenue
- S. Santa Cruz Avenue
- Santa Rosa Avenue
- El Vista Avenue/Oakdale Road
- Seventh Street
- Ninth Street
- Fourteenth Street
- Seventeenth Street
- Eighteenth Street
- Paradise Road
- Woodland Avenue

The City of Modesto will continue to coordinate with Stanislaus County, Stanislaus Area Association of Governments, and the California Department of Transportation regarding roadway improvements and traffic forecasts so that each of these agencies can more accurately predict the need for additional noise abatement along their respective road networks.

- b. Railroad System. The City of Modesto is a regional distribution center for commercial products, and a considerable portion of the business activity in the area is related to warehousing, transportation and the processing of foods, wine and related products. The City of Modesto is served by four railroads: the Southern Pacific Transportation Company;

- (1) Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - (2) Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses.
 - (3) Incorporate construction techniques to achieve an interior noise limit of 45 Ldn (these potential techniques are presented in CCR Title 24 standards).
- d. The City of Modesto shall use the most recent noise contour map to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Title 24 applies to multi-family housing, not single-family.) Title 24 also specifies minimum values for the sound insulation afforded by interior partitions separating different dwelling units from each other and from interior common space.
- e. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines (Figure VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
- (1) Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - (2) Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses from noise sources.
 - (3) Incorporate construction techniques to achieve specified interior noise limits. One source that can be used for such specifications is the "Recommended Maximum Interior Noise Level Criteria for Intermittent Noise," (Table 2, Noise Insulation Problems in Buildings, Paul S. Veneklasen & Associates, January 1973).
- f. With road extension, widening and upgrade projects, the City of Modesto shall implement, as feasible, techniques to minimize noise impacts on adjacent uses. Potentially available techniques may include:
- (1) Widened right-of-way;
 - (2) Depressed roadway alignments;
 - (3) Earthen berms or earthen/wall combination;

- (4) Walls;
- (5) Acoustical retrofitting to affected parties.

- g. In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-1, builders, developers (for private development projects) and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on Figure VII-1 due to, for example, natural shielding (e.f. from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the contours.
- h. The City of Modesto shall limit trucking to specific routes, times and speeds that minimize adverse effects to sensitive land uses such as schools and residential areas.
- i. To address noise impacts related to operation of the Airport, the City shall continue with noise abatement measures related to the airport operations (included in the Airport's approved FAR Part 150 Program) including curfews, ground run-up suppressers, prohibition of operations of some aircraft types at certain hours of the day, land acquisition to prevent development in noise impacted areas, use of appropriate zoning and implementation of sound insulation programs in the aircraft noise impacted area.
- j. Proponents of new heliports where projected noise impacts from helicopter operations would exceed 65 Ldn at the nearest residential uses should utilize the latest FAA helicopter modeling tools and noise assessment criteria.

4. Noise Mitigation Policies - Planned Urbanizing Area

- a. The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses...that minimizes the exposure of [present and future] community residents to excessive noise." (Section 65302(f), Government Code.)
- b. All Noise Mitigation Policies adopted for the Baseline Developed Area apply equally in the Planned Urbanizing Area.

quality programs and implementation measures (trip reduction ordinances, indirect source programs, etc.).

The following policies are intended to reduce air quality impacts through public outreach and education programs:

- h. The City of Modesto shall work to improve the public's understanding of the land use, transportation, and air quality link.
- i. The City of Modesto shall encourage local public and private groups to provide air quality education programs.

The following policies are intended to minimize exposure of the public to toxic air contaminants (TACs) and noxious odors from industrial, manufacturing, and processing facilities:

- j. The City of Modesto should encourage new air pollution sources such as, but not limited to, industrial, manufacturing, and processing facilities to be located an adequate distance (based on pollutant dispersion characteristics, site orientation, prevailing winds, etc.) from residential areas and other sensitive receptors.
- k. The City of Modesto should implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Potential measures to be implemented may include those measures listed in Table 2-6 in the Master Environmental Impact Report.

I. ENERGY CONSERVATION

1. Overview

The California Environmental Quality Act identifies energy conservation as a goal in community development. Under the CEQA Guidelines, a project may have a significant environmental impact if it will "use fuel, water, or energy in a wasteful manner." The following policies employed by the City provide sufficient mitigation for those impacts.

- a. The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals. The City shall develop shade-tree specifications for different land uses (residential, commercial, parking lots, etc.) including appropriate types of trees (size, deciduous or evergreen, absence or lower branches, etc), locations (e.g., distance from structures), density (i.e. within a subdivision or parking lot), and orientation (trees on the west side of a building generally provide the most benefit) for use in landscape plans.
- b. The City of Modesto shall encourage the Modesto and Turlock Irrigation District to establish and promote a program whereby existing residential

and commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City. The City shall also provide information on appropriate types of trees and their locations to maximize the energy savings from the program.

- c. The City of Modesto shall coordinate with the Modesto and Turlock Irrigation Districts (for electricity) and Pacific Gas & Electric Company (for natural gas) on all new, large-scale, development proposals in the City.

3. Implementation of Energy Conservation Policies

New building projects are subject to review to ensure use of energy efficient materials and methods of construction, in accordance with Title 24, Division T20 of the California Administrative Code.



**CITY OF MODESTO
GENERAL PLAN PROGRAM**

Figure VII-1

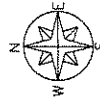
NOISE CONTOURS

LEGEND

- 60 dBN
- 65 dBN
- 70 dBN
- 75 dBN
- GENERAL PLAN BOUNDARY

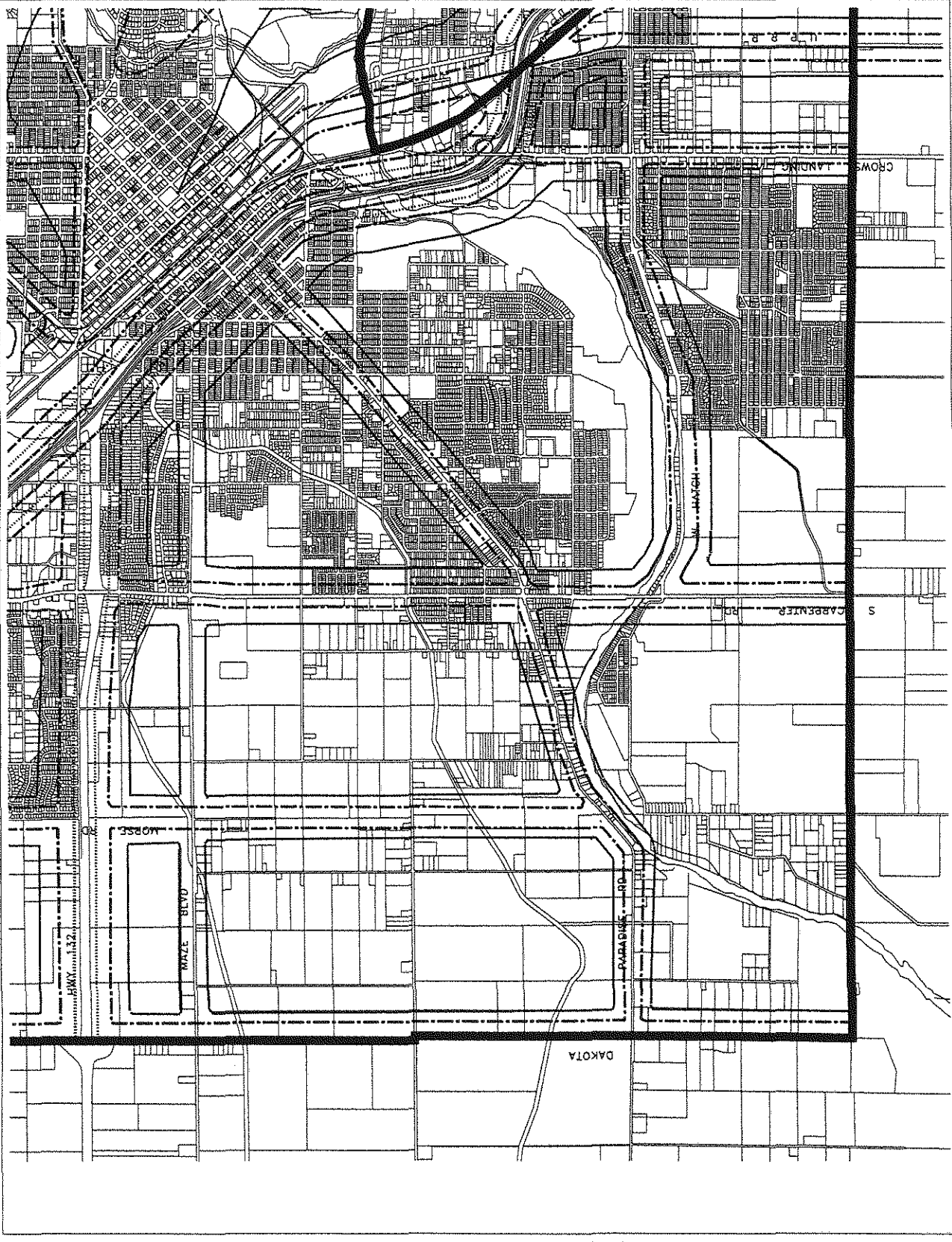
DAY NIGHT AVERAGE SOUND LEVELS (DNL)
(60 DECIBEL) 65 LBN, 70 LBN NOISE CONTOURS

- REFERENCE POINTS (for illustration only; not adopted)
- STREETS
 - FREEMAN
 - RAILROADS
 - RIVERS



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CITY OF MODESTO GENERAL PLAN PROGRAM

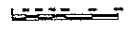
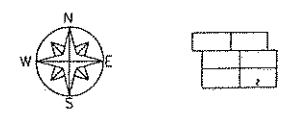
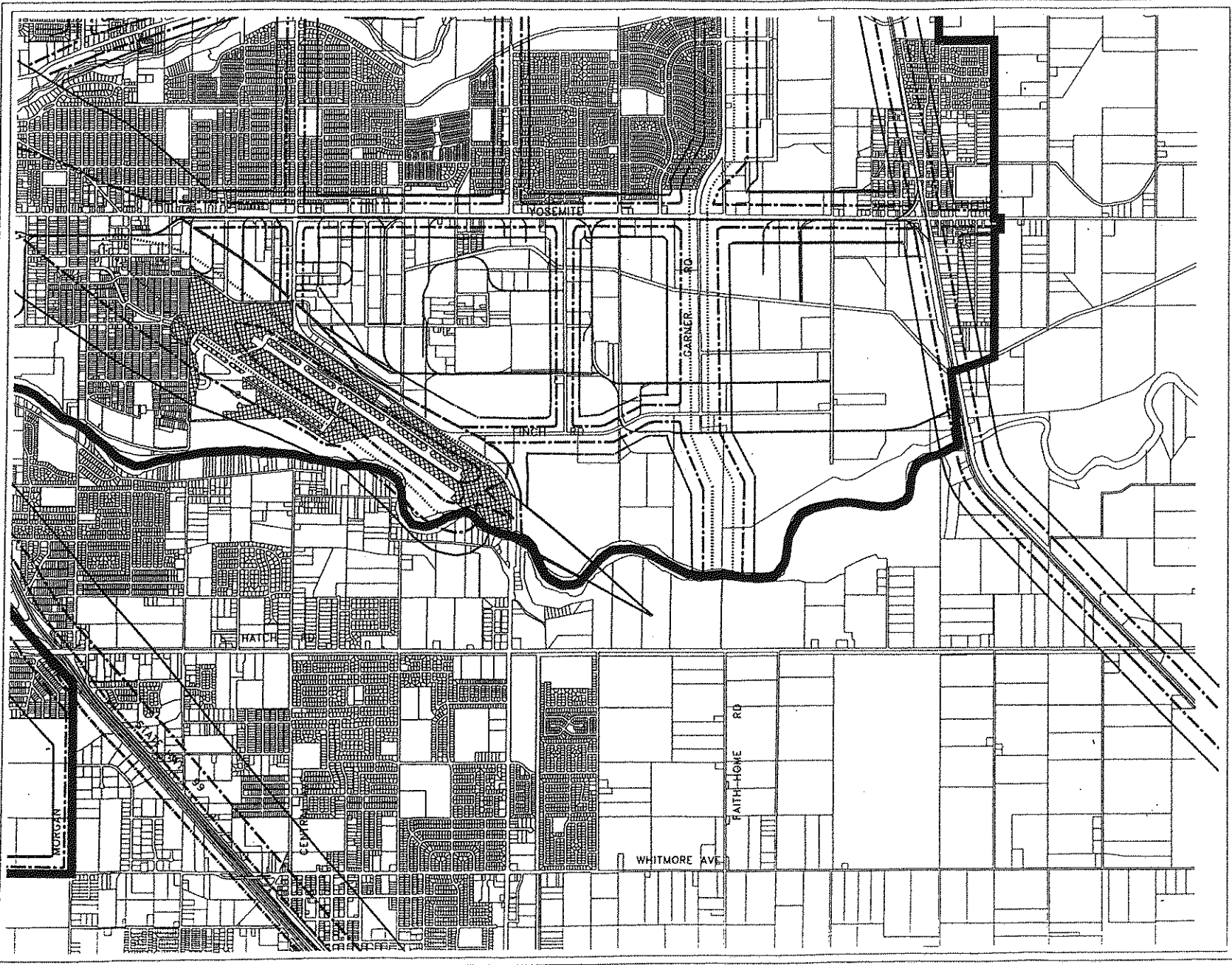
Figure VII-1
NOISE CONTOURS

LEGEND

- 60LDN
- 65LDN
- 70LDN
- 75LDN
- GENERAL PLAN BOUNDARY

DAY NIGHT AVERAGE SOUND LEVELS (LDN)
(50 DECIBEL (LDN), 65 LDN, 75 LDN NOISE CONTOURS)

- REFERENCE POINTS
(For illustration only; not adopted)
- STREETS
 - FREEWAY
 - RAILROADS
 - RIVERS



LEW-GARCIA-DAVIS
ENGINEERING PLANNING ARCHITECTURE
LANDSCAPE ARCHITECTURE

Recon
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JUL 18, 1995



**CITY OF MODESTO
GENERAL PLAN PROGRAM**

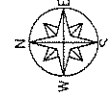
**Figure VII-1
NOISE CONTOURS**

LEGEND

- 60 DBN
- 65 DBN
- 70 DBN
- 75 DBN
- GENERAL PLAN BOUNDARY

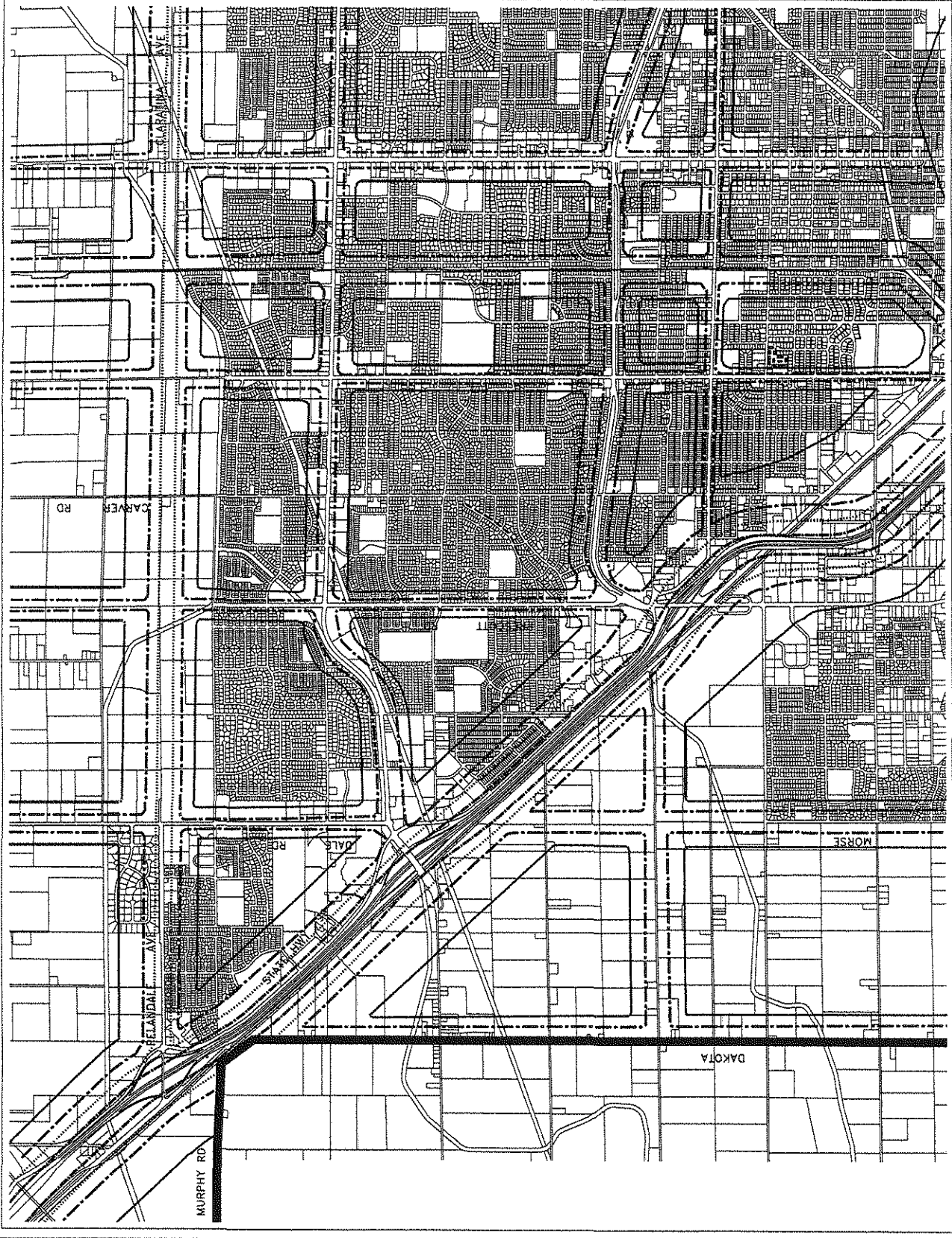
DAY NIGHT AVERAGE SOUND LEVELS (DNL)
(BY FEDERAL LAW, 65 DNL IS DAY NOISE CONTOUR)

- REFERENCE POINTS
(BY FEDERAL LAW, 100 FT. AND 400 FT.)
- STREETS
- FREEWAY
- RAILROADS
- RIVERS



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CITY OF MODESTO
GENERAL PLAN PROGR

Figure VII-1

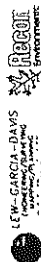
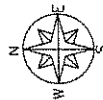
NOISE CONTOURS

LEGEND

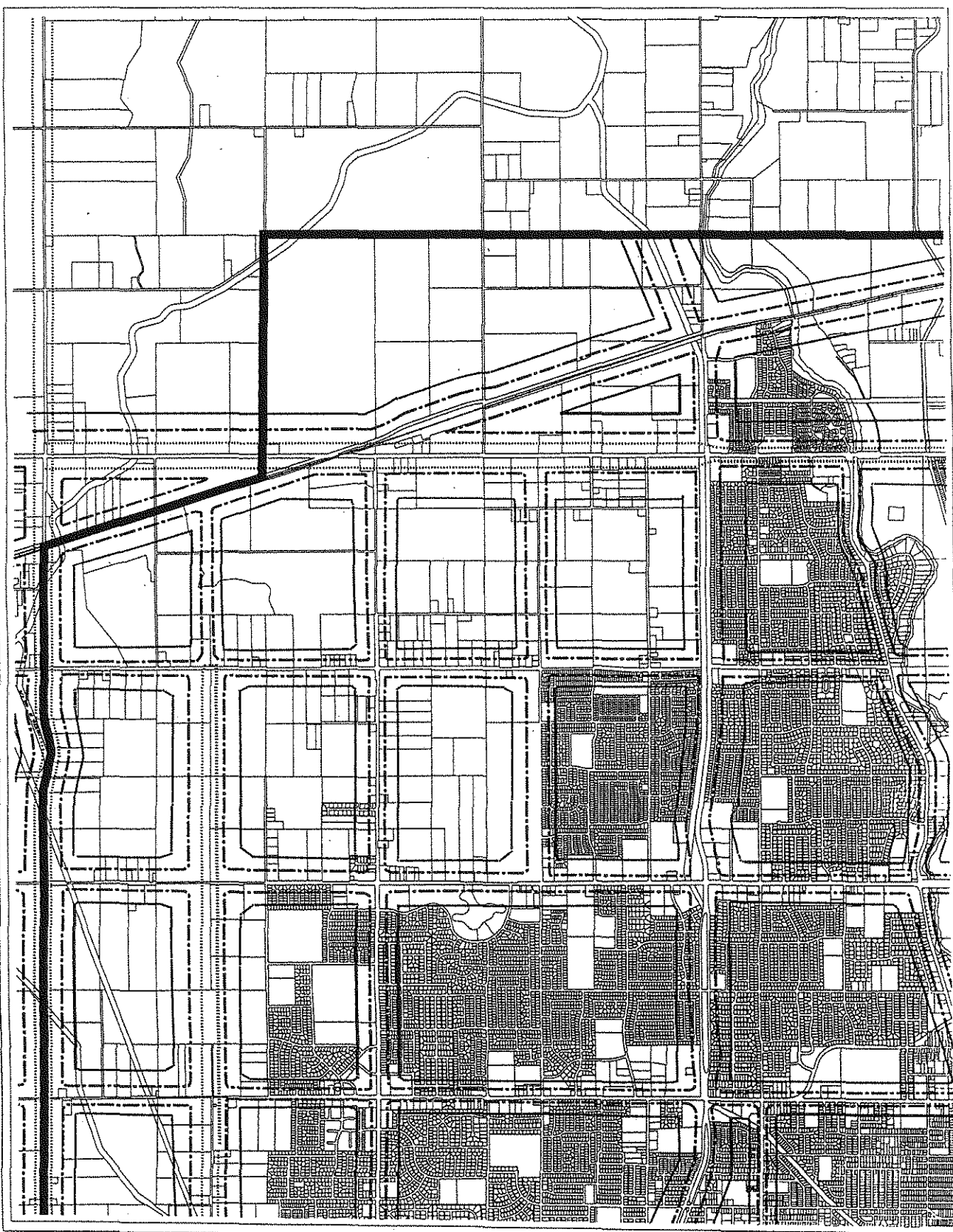
- 60 DBN
- 65 DBN
- 70 DBN
- 75 DBN
- GENERAL PLAN BOUNDARY

DAY NIGHT AVERAGE SOUND LEVEL (DNL)
(80 DECIBEL (DNL), 65 DNL, 75 DNL NOISE CONTROL)

- REFERENCE POINTS
(For illustration only, not surveyed)
- STREETS
- FREEWAY
- RAILROADS
- RIVERS



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CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure VII-1

NOISE CONTOURS

LEGEND

- 60DN
- 65DN
- 70DN
- 75DN
- GENERAL PLAN BOUNDARY

DAY-NIGHT AVERAGE SOUND LEVELS (DN)
60 DB(C) (DN) 65 DN, 70 DN, 75 DN NOISE CONTOURS

- REFERENCE POINTS (for illustration only, not assigned)
- STREETS
- FREIGHT
- RAILROADS
- RIVERS



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E-2000-010
MAY 18, 1998



LAND USE CATEGORY	COMMUNITY NOISE EXP. Ldn OR CNEL,dB					
	55	60	65	70	75	80
RESIDENTIAL LOW-DENSITY SINGLE FAMILY, DUPLEX, MOBILE HOMES	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
RESIDENTIAL MULTI-FAMILY	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
TRANSIENT LODGING- MOTELS, HOTELS	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
SCHOOLS, LIBRARIES, CHURCHES, HOSPITALS, NURSING HOMES	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
AUDITORIUMS, CONCERT HALLS, AMPHITHEATRES	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
SPORTS ARENA, OUTDOOR SPECTATOR SPORTS	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
PLAYGROUNDS, NEIGHBORHOOD PARKS	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
GOLF COURSES, RIDING STABLES, WATER RECREATION, CEMETERIES	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
OFFICE BUILDINGS, BUSINESS COMMERCIAL AND PROFESSIONAL	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	
INDUSTRIAL, MANUFACTURING UTILITIES, AGRICULTURE	[Normally Acceptable]		[Conditionally Acceptable]		[Clearly Unacceptable]	

INTERPRETATION



NORMALLY ACCEPTABLE

Specific land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.



CONDITIONALLY ACCEPTABLE

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements has been made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.



NORMALLY UNACCEPTABLE

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made, and needed noise insulation features must be included in the design.



CLEARLY UNACCEPTABLE

New construction or development should generally not be undertaken.

Source: Guidelines for the preparation and content of Noise Elements of General Plan. Prepared by the California State Office of Noise Control.

**Figure VII-2
LAND USE COMPATIBILITY
FOR COMMUNITY NOISE
ENVIRONMENTS**

CHAPTER VIII
GENERAL PLAN IMPLEMENTATION

VIII GENERAL PLAN IMPLEMENTATION

- A. INTRODUCTION
- B. SUBMISSION AND APPROVAL OF SUBSEQUENT PROJECTS
- C. SPHERE OF INFLUENCE
- D. ANNEXATION
- E. COMPREHENSIVE PLANS
- F. SPECIFIC PLANS
- G. ZONING
- H. MISCELLANEOUS LAND USE PERMITS
- I. SUBDIVISIONS
- J. DEVELOPMENT AGREEMENTS
- K. CAPITAL IMPROVEMENT PROGRAM
- L. REDEVELOPMENT PLANS
- M. PARKS FACILITIES PLANS
- N. STANISLAUS COUNTY AIRPORT LAND USE PLAN
- O. HOUSEHOLD HAZARDOUS WASTE ELEMENT
- P. SOURCE REDUCTION AND RECYCLING ELEMENT
- Q. WASTE WATER MASTER PLAN
- R. WATER MASTER PLANS
- S. STORM WATER FACILITIES PLANS
- T. PUBLIC FACILITIES FINANCING PLANS

CHAPTER VIII

GENERAL PLAN IMPLEMENTATION

A. INTRODUCTION

Chapter VIII, General Plan Implementation, presents a variety of tools available to the City to help build the physical city envisioned in Chapter III.

While the Modesto Urban Area General Plan provides a comprehensive "vision" for the future physical development of the City, the General Plan can only be successful if the vision is realistic, and can be implemented. The City implements the General Plan through the review of privately-initiated development requests, such as subdivisions, rezonings, conditional use permits, and building permits. In addition, the City undertakes public development through redevelopment and construction of infrastructure. Finally, the City considers a variety of administrative and financial tools which facilitate public and private development activities. This Chapter presents the tools to guide development in the City by implementing the policies contained in earlier chapters.

B. SUBMISSION AND APPROVAL OF SUBSEQUENT PROJECTS

In order to utilize the Master Environmental Impact Report concept, Section 21157(b)(2)D of the Public Resources Code, requires the Master EIR to include "A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects" (emphasis added). Sections VIII-C through VIII-T, which follow, present those implementing devices which meet the State law requirements of 21157(b)(2)(D).

C. SPHERE OF INFLUENCE

The Sphere of Influence is defined by Section 56076 of the Government Code as a "plan for the probable physical boundaries and service area of a local agency." The Sphere of Influence is adopted by the Local Agency Formation Commission (LAFCO), in accordance with Section 56425 of the Government Code. Following adoption of the Modesto Urban Area General Plan, Modesto's Sphere of Influence should be expanded to include the Planned Urbanizing Area boundaries as presented on the Growth Strategy Diagram. In this way, land use policy direction would be provided for all land within the (expanded) Sphere of Influence.

Implementation Device Governing the Submission and Approval of the Sphere of Influence

The Stanislaus County LAFCO uses the City of Modesto's Sphere of Influence as a guide for approving annexations, technically called reorganizations, to the City of Modesto. Criteria for adopting or amending a Sphere of Influence are defined in Section 56525(a) of the Government Code, as follows:

1. The present and planned land uses in the area, including agricultural and open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the [LAFCO] commission determines that they are relevant to the agency.

D. ANNEXATION

Annexations, known technically as Reorganizations, are defined by Section 56017 of the Government Code as the "inclusion, attachment, or addition of territory to a city or district." Annexations, like Spheres of Influence, are approved by the Stanislaus County Local Agency Formation Commission.

Implementation Device Governing the Submission and Approval of an Annexation

Section 56841 of the Government Code provides guidance for the approval of Annexations, as follows:

56841. Factors to be considered in the review of a proposal shall include, but not limited to, all of the following:

- (a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.

E. COMPREHENSIVE PLANS

A "Comprehensive Plan" is a policy document defined exclusively by the City, and which serves to implement the "Comprehensive Planning District" concept presented in Section III-D. The Comprehensive Plan implements the City's General Plan by creating a bridge between general plan policies and individual development proposals. Ideally, a Comprehensive Plan directs all facets of future development; from the distribution of land uses to the location and sizing of supporting infrastructure, from methods of financing public improvements to standards of development.

A Comprehensive Plan (including a Specific Plan as defined by Section 65450 of the State Government Code) may directly impose exactions and payment schedules in conjunction with its capital improvement policies. The policies contained in the plan may establish the required "nexus" between the development exactions being imposed and the development-induced impacts being mitigated by those exactions. Establishment of a direct connection between impacts and exactions is important to ensure the legal defensibility of the exactions.

Implementation Device Governing the Submission and Approval of a Comprehensive Plan

Section 65453 provides the Adoption and Amendment procedure for Specific Plans. Comprehensive Plans shall be adopted in the same manner as Specific Plans. At least one hearing before the Planning Commission and City Council will be required, prior to adoption of the Comprehensive Plan by the City Council.

No Comprehensive Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan. In addition, no local public works

project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a Comprehensive Plan unless it is consistent with the adopted Comprehensive Plan.

F. SPECIFIC PLANS

A form of Comprehensive Plan, known as a Specific Plan, may be used by the City to implement the Comprehensive Planning Districts presented in Chapter III. Specific Plans are authorized under Section 65450 of the Government Code for "the systematic implementation of the general plan for all or part of the area covered by the general plan." The contents of a specific plan are stated in Section 65451.

Implementation Device Governing the Submission and Approval of a Specific Plan

Section 65453 provides the Adoption and Amendment procedure for Specific Plans. At least one hearing before the Planning Commission and City Council will be required, prior to the adoption of the Specific Plan by the City Council.

No Specific Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan. In addition, no local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

G. ZONING

Although city zoning is authorized by Section 65800 of the Government Code, Modesto, as a charter city, is not required to comply with this section. The City's Zoning Ordinance is Title X of the Modesto Municipal Code. The purpose of zoning is to regulate the use of buildings, structures, and land for industry, business, residences, open space including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes.

Implementation Device Governing the Submission and Approval of Zoning

Title X of the Modesto Municipal Code governs the submission and approval of Zoning, which must be adopted by ordinance. At least one public hearing before the Planning commission and City Council will be required, prior to adoption of zoning by the City Council.

H. MISCELLANEOUS LAND USE PERMITS

The City processes a variety of permits which facilitate development. Examples include, but are not limited to, the following:

1. Conditional Use Permits (authorized under Section 10-2.2503 of the Modesto Municipal Code).
2. Variances (authorized under Section 10-2.2501 of the Modesto Municipal Code).
3. Building Permits (authorized under Title IX of the Modesto Municipal Code).

Implementation Device Governing the Submission and Approval of Miscellaneous Land Use Permits

The Modesto Municipal Code references above cite the adopted procedures governing the approval of those miscellaneous land use permits.

I. SUBDIVISIONS

Subdivisions are the process by which land is divided and subsequently developed. Subdivisions are governed by the Subdivision Map Act (Section 66410, et. seq. of the Government Code), and the City's Subdivision Regulations (Section 4-4.4101 et. seq. of the Modesto Municipal Code).

The creation of four or fewer lots is considered a minor subdivision, or parcel map. Five or more lots is a major subdivision. After approval of a Final Map, as defined by Section 66434 of the Government Code, the only subsequent approvals required for development are building permits.

Implementation Device Governing the Submission and Approval of Subdivisions

Section 66474 of the Government Code (Subdivision Map Act) allows the City to approve subdivisions, unless any are of the following findings are made:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

I. DEVELOPMENT AGREEMENTS

Development Agreements are the means by which private developers and the City can each receive certain assurances regarding a given development proposal and its entitlements. Development Agreements are authorized by Chapter 4 (commencing with Section 65864) of the Government Code.

Implementation Device Governing the Submission and Approval of Development Agreements

Section 65865.2 of the Government Code specifies the minimum contents of a Development Agreement, as follows:

65865.2. A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

Section 65867 of the Government Code requires a public hearing by the Planning Commission and City Council, prior to City Council adoption of a Development Agreement.

K. CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program (CIP) guides the funding and construction of all public improvements constructed by the City, including roads, wastewater treatment facilities and lines, water lines, and parks.

Implementation Device Governing the Submission and Approval of the Capital Improvement Program

Section 65401 of the Government Code provides for a review of public works projects for conformity with the General Plan, as follows:

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

L. REDEVELOPMENT PLAN

The California Community Redevelopment Act of 1945 gives cities the authority to establish redevelopment agencies and gives these agencies the authority to attack problems of urban decay. To remedy these problems, agencies are given certain fundamental tools:

1. The authority to buy real property, including, if necessary, the power to use eminent domain.
2. The authority to sell real property without bidding.
3. The authority and obligation to relocate persons who have interests in property.
4. The authority to impose land use and development controls pursuant to a comprehensive plan of redevelopment.

Implementation Device Governing the Submission and Approval of a Redevelopment Plan

The authority to establish a redevelopment agency and the authority for a redevelopment agency to function as an agency, adopt a redevelopment plan and implement the plan is granted by the Community Redevelopment Law of the State of California (Health & Safety Code, § 33000 et seq.). Redevelopment agencies are therefore creations of the state. The Community Redevelopment Law provides that the agency and legislative body shall both conduct public hearings to approve the redevelopment plan (§ 33348, 33360). However, the more typical approach in cities

and counties where the members of the legislative body are also members of the agency (as in the case in Modesto), is for the agency and legislative body to conduct a joint public hearing on the redevelopment plans (§ 33355).

M. PARKS FACILITIES PLANS

The City Parks and Recreation Department is charged with the responsibility of constructing and maintaining public parks and recreation facilities throughout the community. To guide development of these facilities, the City uses a variety of tools, which include, but are not limited to, the following: Parks Design Development Reports for Neighborhood, Community, and Regional Parks; the McHenry Mansion Landscape Restoration Plan; Street Master Plan; and Bicycle Master Plan.

Implementation Device Governing the Submission and Approval of Parks Facilities Plans

Section 65401 of the Government Code provides for a review of public works projects for conformity with the General Plan, as follows:

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board, including the governing body of any special district or school district, whose jurisdiction lies wholly or partially within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

N. STANISLAUS COUNTY AIRPORT LAND USE PLAN

Section 21670 of the Public Utilities Code allows for the creation of comprehensive land use plans "that will provide for the orderly growth of each public airport and the area surrounding each public airport." In formulating a Land Use Plan, the Airport Land Use Commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area.

Implementation Device Governing the Submission and Adoption of the Stanislaus County Airport Land Use Plan

The Stanislaus County Airport Land Use Plan was adopted in 1978 in accordance with Section 21670 of the Public Utilities Code; it may be amended from time to time, as allowed by that Code.

O. HOUSEHOLD HAZARDOUS WASTE ELEMENT

Section 41500 of the Public Resources Code requires the City to adopt a Household Hazardous Waste Element, which identifies a program for safe collection, recycling, treatment, and disposal of hazardous wastes which are generated by households in the City and which should be separated from the solid waste stream.

Implementation Device Governing the Submission and Approval of the Household Hazardous Waste Element

Section 41500(a) of the Public Resources Code requires City Council adoption, and submittal to Stanislaus County, of the household hazardous waste element.

P. SOURCE REDUCTION AND RECYCLING ELEMENT

Section 41000 of the Public Resources Code requires the City to adopt a Source Reduction and Recycling Element to show the methods by which the City will reduce the amounts of solid waste disposed of by the City.

Implementation Device Governing the Submission and Approval of the Source Reduction and Recycling Element

Section 41000(a) of the Public Resources Code requires City Council adoption of the Source Reduction and Recycling Element, with the following components, which are further defined by State law:

- (1) A waste characterization component.
- (2) A source reduction component.
- (3) A recycling component.
- (4) A composting component.
- (5) A solid waste facility capacity component.
- (6) An education and public information component.
- (7) A funding component.
- (8) A special waste component.

Q. WASTEWATER MASTER PLAN

The City may develop a Wastewater Master Plan in order to construct, operate, and maintain various wastewater facilities. The purpose of the Wastewater Master Plan would be to implement the wastewater policies presented in Section V-D of this General Plan. In developing the Wastewater Master Plan, consideration shall be given to rehabilitation of existing facilities, expansion for current excess demand, and the timely expansion for future demand. As the City's population increases, the City shall update the Wastewater Master Plan as appropriate to adequately address the sewage collection and treatment needs anticipated at General Plan buildout.

Implementation Device Governing the Submission and Approval of the Wastewater Master Plan

The Wastewater Master Plan shall be considered an "anticipated subsequent project" in the context of Section 21157 of CEQA. However, because the specific facilities covered by this Wastewater Master Plan are not determined at this time, a Focused Environmental Impact Report will be required prior to adoption of the Wastewater Master Plan. Preparation of a Focused Environmental Impact Report shall be undertaken in accordance with Section 21158 of CEQA.

R. WATER MASTER PLANS

The City may develop master plans such as a "conjunctive groundwater-surface-water management program" in order to construct, operate, and maintain various water facilities. The purpose of these master plans would be to implement the water policies presented in Section V-C of this General Plan.

Implementation Device Governing the Submission and Approval of Water Master Plans

These master plans shall be considered an "anticipated subsequent project" in the context of Section 21157 of CEQA. However, because the specific facilities covered by these master plans are not determined at this time, a Focused Environmental Impact Report will be required prior to adoption of these plans. Preparation of a Focused Environmental Impact Report shall be undertaken in accordance with Section 21158 of CEQA.

S. STORM WATER FACILITIES PLANS

Storm water drainage facilities may be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration may be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development. The purpose of these facilities plans is to implement the policies contained in Section V-E of this General Plan.

Implementation Device Governing the Submission and Approval of Storm Water Facilities Plans

These facilities plans shall be considered an "anticipated subsequent project" in the context of Section 21157 of CEQA. However, because the specific facilities covered by these facilities are not determined at this time, a Focused Environmental Impact Report will be required prior to adoption of these plans. Preparation of a Focused Environmental Impact Report shall be undertaken in accordance with Section 21158 of CEQA.

T. PUBLIC FACILITIES FINANCING PLANS

There are a number of options available to local government to finance public facilities such as streets, sewers, water, drainage, schools, parks, fire and police stations, and public utilities. Examples of these options currently used or contemplated by the City of Modesto include, but are not limited to, the following: Mello-Roos Community Facilities Districts, Landscaping and Lighting Districts, Capital Facilities Fees Programs, Assessment Districts, Area of Benefit procedures, and a Long-Range Financial Plan.

Implementation Device Governing the Submission and Approval of Public Facilities Financing Plans

Virtually all of these public facilities are programmed for construction by a policy document such as a master plan or the Capital Improvement Program. Because the environmental review for these facilities would be focused on the policy documents, the financing of these facilities will not trigger subsequent environmental review. In 1994, Section 12 of Senate Bill 749 provided the Legislature's clarification of the definition of "Project" under Section 21065 of CEQA. Therefore, the above policy direction directly implements Section 21065, as clarified.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-410

A RESOLUTION GRANTING THE APPEAL OF RICHARD HAGERTY, REDEV., INC., ON BEHALF OF AJMER GILL, AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL BOARD ISSUANCE OF AN OFF-SALE LIQUOR LICENSE FOR THE STOP-N-SHOP CONVENIENCE STORE, ON PREMISES AT THE CREEKWOOD PLAZA SHOPPING CENTER, LOCATED AT 3801 YOSEMITE BOULEVARD IN THE CITY OF MODESTO

WHEREAS, effective January 1, 1995, new State law mandated that the State Department of Alcohol Beverage Control (ABC) shall automatically deny an ABC license applicant, if records show an "undue concentration" of licenses in an affected geographical area, and

WHEREAS, for purposes of Section 23958 of the Business and Professions Code, "undue concentration" means the applicant premises for an original or premises-to-premises transfer of any retail license are located in an area where any of the conditions, as set forth in Section 23958.4 of the Business and Professions Code, exist, and

WHEREAS, that same law (Business and Professions Code Section 23958) allows any denied applicant an appeal process to the local governmental governing body, and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants for liquor licenses for premises in the City of Modesto may appeal for a determination as to whether the public convenience or necessity

would be served by the issuance of an off-sale retail liquor license at a requested location, and

WHEREAS, REDEV, INC., has entered into a lease agreement with Mr. Ajmer Gill to locate a Stop-N-Shop small package, liquor and convenience store on premises in REDEV's new center which is anchored by Richland Markets at the Creekwood Plaza Shopping Center, located at 3801 Yosemite Boulevard, and

WHEREAS, Mr. Ajmer Gill has filed an application with the Alcohol Beverage Control (ABC) Board for an off-sale retail liquor license on premises at the Creekwood Plaza Shopping Center, and

WHEREAS, as a result of the new State law, as mentioned above, Mr. Ajmer Gill is not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, by letter dated August 1, 1995, from Richard Hagerty, REDEV, Inc., on behalf of Ajmer Gill, an appeal was filed with the City Council of the City of Modesto to the decision of the State Department of Alcohol Beverage Control Board, which denied an off-sale retail liquor license for the sale of alcohol beverages on premises at a Stop-N-Shop convenience store on premises at the Creekwood Plaza Shopping Center, located at 3801 Yosemite Boulevard, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 15, 1995 at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the decision of the State Department of Alcohol Beverage Control Board should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (2) of Section 23958.4 of the Business and Professions Code, the Council finds and determines that the public convenience or necessity would be served by an off-sale retail liquor license being issued by the State Department of Alcohol Beverage Control Board for the Stop-N-Shop convenience store on premises at the Creekwood Plaza Shopping Center, located at 3801 Yosemite Boulevard in the City of Modesto, for the following reasons:

1. The Creekwood Plaza Shopping Center is located on State Route 132, which is a major thoroughfare for recreation.
2. Currently, there is ongoing residential construction in the census tract, census tract 0020.03.
3. Based on the above two facts, the population in this census tract 0020.03 is continuing to increase, creating a need for this requested ABC license.

BE IT FURTHER RESOLVED that the appeal of Richard Hagerty, REDEV, Inc., on behalf of Ajmer Gill, to the decision of

the State Department of Alcohol Beverage Control Board, which denied a request for an off-sale retail liquor license for the Stop-N-Shop convenience store on premises at the Creekwood Plaza Shopping Center, located at 3801 Yosemite Boulevard, in the City of Modesto, is hereby approved for the reasons as set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of August, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-411

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY, INC. FOR THE WOODLAND AVENUE LIFT STATION GENERATOR PROJECT

WHEREAS, the bids received for Woodland Avenue Lift Station Generator Project were opened at 2:10 PM on July 25, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical Company, Inc. in the amount of \$92,090.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company, 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 15th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-412

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN PROJECT.

WHEREAS, the bids received for Coffee Road, Road Construction and Storm Drain Project were opened at 2:00 PM on July 25, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of George Reed, Inc. in the amount of \$1,679,162.95, 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 15th day of August, 1995, by Councilmember Dobbs, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clock

**MODESTO CITY COUNCIL
RESOLUTION 95-412A**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR THE COFFEE ROAD STORM DRAINAGE PROJECT.

WHEREAS, The transportation Policy Committee approved the change in project scope and the use of Storm Drain Fund Reserves for the increased project scope at its February 17, 1995 meeting. The original project was an overlay of Coffee road from Scenic to Floyd. The increased scope was to include a positive storm drain system with the project.

WHEREAS, In order to fund the storm drain portion of the project, two existing projects will be transferred to the new project, the Annual Positive Storm Drain account \$185,000; and the Miscellaneous Storm Drain Account \$85,000, as well as \$787,895 of Storm Drain Reserves. The new project will be entitled Coffee Road Storm Drain, 628-480-F806.

WHEREAS, the following adjustments are necessary:

Storm Drainage Fund 628

Fund/Agy/Org Expenditures		Increase (Decrease)
628-480-F745	Annual Positive Storm Drain	(\$185,000)
628-480-F753	Miscellaneous Storm Drain	(\$85,000)
628-800-8000	Storm Drain Contingency Reserve	(\$787,895)
628-480-F806	Coffee Road Storm Drain	\$1,057,895

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 15th day of August, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-413

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY INC. FOR THE TENNIS COURT LIGHTING RENOVATION PROJECT.

WHEREAS, the bids received for Tennis Court Lighting Renovation Project were opened at 2:05 PM on July 25, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Collins Electrical Company, Inc. in the amount of \$185,770.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company, 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 15th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-414

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1995-96 TO APPROVE INTERIM
FUNDING FOR TELEWORK CENTER.

WHEREAS, the application for funding from SJVUAPCD was not successful
and,

WHEREAS, funds are necessary to cover costs for Telework Center from
July thru September, 1995.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the 1995-96 Annual Budget be amended as follows:

GENERAL FUND
REVENUE/APPROPRIATION ADJUSTMENTS

REVENUES/APPROPRIATIONS

FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Telework Center				
010-140-1424-8155	Other Revenue	0	11,000	11,000
Contingency Reserve				
080-800-8000-8003	Contingency Reserve	<u>3,912,122</u>	<u>11,000</u>	<u>3,923,122</u>
Total Appropriation Adjustment			0	

BE IT FURTHER RESOLVED that the Director of Finance is hereby
authorized 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 15th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-415

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BEV KILPATRICK FROM THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

WHEREAS, Bev Kilpatrick was appointed a member of the Tuolumne River Regional Park Citizens Advisory Committee on February 13, 1990; and

WHEREAS, Bev Kilpatrick has tendered her resignation from the Tuolumne Regional Park Citizens Advisory Committee, effective August 15, 1995; and

WHEREAS, Bev Kilpatrick 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 Bev Kilpatrick from the Tuolumne River Regional Park Citizens Advisory 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 Bev Kilpatrick 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 15th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-415

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF BEV KILPATRICK FROM THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE

WHEREAS, Bev Kilpatrick was appointed a member of the Tuolumne River Regional Park Citizens Advisory Committee on January 4, 1994; and

WHEREAS, Bev Kilpatrick has tendered her resignation from the Tuolumne River Regional Park Citizens Advisory Committee, effective August 15, 1994; and

WHEREAS, Bev Kilpatrick 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 Bev Kilpatrick from the Tuolumne River Regional Park Citizens Advisory 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 Bev Kilpatrick 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 15th day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-416

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE INTERSECTION IMPROVEMENTS AT CLAUS ROAD AND BRIGGSMORE AVENUE

WHEREAS, the bids received for the intersection improvements at Claus Road and Briggsmore Avenue were opened at 2:00 PM on August 1, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of \$197,000, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, 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 22nd day of August, 1995, by Councilmember McClanahan who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-417

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$197,000 TO FULLY FUND INTERSECTION IMPROVEMENTS - CLAUS ROAD AT BRIGGSMORE AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Traffic Improvements-Variou New; Traffic Signal Modifications CFF; Traffic Signal Modifications Various New Locations (141-160-E468, E471, F697) \$197,000

TO: Intersection Improvements at Claus Road and Briggsmore Avenue (141-160-F804) \$197,000

This project location is on the City of Modesto CFF project list. A specific project account is being set up to assist Finance in keeping track of all costs for this project.

The foregoing resolution was introduced at a regular meeting of the City of Modesto held on the 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-418

A RESOLUTION ACCEPTING THE ROCKWELL REPLACEMENT/ADDITION 94/95 PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the rockwell replacement/addition 94/95 project, has been completed by Teichert Construction, in accordance with the contract agreement dated July 5, 1994.

NOW, THEREFORE, BE IT RESOLVED that the rockwell replacement/addition 94/95 project, be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$313,635 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 22nd day of August, 1995, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-419

A RESOLUTION ACCEPTING THE RUNWAY 28R/10L ELECTRICAL REGULATOR UPGRADE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Runway 28R/10L electrical regulator upgrade project, has been completed by Tri Technic, Inc., in accordance with the contract agreement dated September 21, 1993.

NOW, THEREFORE, BE IT RESOLVED that the Runway 28R/10L electrical regulator upgrade project, be accepted from said contractor, Tri Technic, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$41,942.39 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 22nd day of August, 1995, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-420

A RESOLUTION ACCEPTING THE SEWER REHABILITATION 1995 - NORWEGIAN AVENUE, FLOYD AVENUE, AND E. MORRIS AVENUE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the sewer rehabilitation 1995 - Norwegian Avenue, Floyd Avenue, and E. Morris Avenue project, has been completed by Cimarron Construction, in accordance with the contract agreement dated February 28, 1995.

NOW, THEREFORE, BE IT RESOLVED that the sewer rehabilitation 1995 - Norwegian Avenue, Floyd Avenue, and E. Morris Avenue project, be accepted from said contractor, Cimarron Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$112,567 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 22nd day of August, 1995, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-421

A RESOLUTION ACCEPTING THE PARKING LOT CONSTRUCTION IN BLOCK 56 - 9TH AND I STREETS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Parking Lot Construction in Block 56 - 9th and I streets project, has been completed by Fagundes & Sons, Inc., in accordance with the contract agreement dated October 11, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Parking Lot Construction in Block 56 - 9th and I Streets project, be accepted from said contractor, Fagundes & Son, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$30,540.70 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 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-422

A RESOLUTION ACCEPTING THE GRACEADA PARK ELECTRICAL IMPROVEMENTS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Graceada Park Electrical Improvements project, has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated November 8, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Graceada Park Electrical Improvements project, 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 \$181,817.00 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 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-423

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT AGREEMENTS WITH HOUSING AND URBAN DEVELOPMENT FOR FISCAL YEAR 1995-96 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS

WHEREAS on July 26, 1995 HUD approved the City's Consolidated Plan.

WHEREAS the City's Consolidated Plan included a proposed allocation of funding of specific projects for FY 95-96.

WHEREAS the City has become eligible for grant assistance in the following amounts to carry out the identified Community Development strategy:

Community Development Block Grant (CDBG) - \$2,663,000

Home Investment Partnership Act (HOME) - \$ 868,000

NOW, THEREFORE, BE IT RESOLVED that the execution of said agreements by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-424

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SUBRECIPIENTS OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR SERVICES FOR FISCAL YEAR 1995-96

WHEREAS, the City of Modesto conducted a community-wide Needs Assessment as part of the development for the Consolidated Plan.

WHEREAS, the City Council reviewed and approved the Consolidated Plan-Action Plan for Fiscal year 1995-96 at their regular meeting of May 2, 1995, and the Plan was forwarded to HUD for final approval.

WHEREAS, the U.S. Department of Housing and Urban Development formally approved the City of Modesto's Consolidated Plan - Action Plan on July 26, 1995, and has awarded the City a grant of \$2,663,000 in Community Development Block Grant Funds and \$868,000 in HOME Investment Partnership program funds.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and eighteen (18) Subrecipients of the Community Development Block Grant Funds listed in Attachment "A" be, and are hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreements 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 22nd day of August, 1995, by Councilmember McClanahan , who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

ATTACHMENT "A"

<u>ORGANIZATION</u>	<u>PROGRAM</u>	<u>CONTRACTAMOUNT</u>
Center for Human Services	Hutton House	\$ 20,000
Center for Senior Employment	Senior Aides Program	\$ 10,000
Central Valley Opportunity Center	ESL Vocational Training Class	\$ 39,000
Children's Crisis Center	Respite Child Care Program	\$ 11,000
City of Modesto - Parks and Recreation	Career Information Program	\$ 750
City of Modesto - Parks and Recreation	Youth Financial Assistance	\$ 5,000
Community Housing and Shelter Service	Housing Counseling Program	\$ 15,000
Family Service Agency	First Step Program	\$ 24,500
Haven Women's Shelter of Stanislaus	Substance Abuse Program	\$ 11,000
Modesto City Schools	Healthy Start Program	\$ 60,000
Modesto Independent Living Center	Disaster Plan and Booklets	\$ 5,000
Modesto-Riverbank- Stanislaus County Food Bank	Food Bank Costs	\$ 30,000
Project Sentinel	Fair Housing Program	\$ 27,000
Senior Opportunity Service Program	Senior Nutrition Program	\$ 39,125
Southside Youth Baseball Association	Snack Bar Construction Project	\$ 6,000
Stanislaus County Affordable Housing Corporation	Property Maintenance 3 HUD homes	\$ 10,000
Stanislaus County Health Services Agency	Teen Parent Connection	\$ 20,000
Volunteer Center of Stanislaus County	Adult Basic Literacy Program	\$ 20,000
		<u>\$353,375</u>

20k

MODESTO CITY COUNCIL
RESOLUTION NO. 95-425

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A WASTE PREVENTION PARTNERSHIP PROJECT GRANT.

WHEREAS, the California Integrated Waste Management Board is offering Waste Prevention Partnership Project Grants to assist California cities and counties with source reduction public education, and

WHEREAS, grant administration is being handled through the League of California Cities, and

WHEREAS, these grants are not competitive, however, proposed programs must be for public information and education projects that focus on source reduction, and

WHEREAS, staff is requesting authorization to submit an application for \$2,000 in grant funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all necessary applications, contracts, payment requests, agreements, and amendments thereto for submittal to the California Integrated Waste Management Board for a Waste Prevention Partnership Project Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-426

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BROWN AND WOOD TO PROVIDE SPECIAL BOND COUNSEL SERVICES FOR THE WASTE-TO- ENERGY PROJECT

WHEREAS, the City of Modesto, Stanislaus County and Ogden Martin Systems of Stanislaus entered into a service agreement, which resulted in the construction and operation of the Waste-to-Energy Facility.

WHEREAS, Brown and Wood has provided such special bond council advice for the City and County since the beginning of the project, and Brown and Wood's existing contract expires on the 31st of August.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brown and Wood 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 22 day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-427

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PUBLIC RESOURCES ADVISORY GROUP TO PROVIDE SPECIAL FINANCING ADVISORY SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Public Resources Advisory Group to provide special financing advisory services for the Waste-to-Energy Project 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 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-428

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1995-96 TO AMEND OUTSIDE PRINTING CHARGES FOR GENERAL PLAN AND VILLAGE ONE.

WHEREAS, funds are necessary to cover costs for General Plan Update and final printing of approved documents for changes made to General Plan map, text, and MEIR.

WHEREAS, changes proposed for the Village One Specific Plan warrant preparation and printing costs of Implementation Plan #2 and Village I Specific Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1995-96 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	APPROPRIATIONS		REVISED BUDGET
		CURRENT BUDGET	ADJUSTMENT	
General Plan				
080-140-1432-0217	Outside Printing	0	10,000	10,000
Village I				
080-140-1433-0217	Outside Printing	0	6,000	6,000
Contingency Reserve				
080-800-8000-8003	Contingency Reserve	280,849	(16,000)	264,849
Total Appropriation Adjustment			0	

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-429A

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND REDEVELOPMENT AGENCY FOR PAYMENT OF PARKING IN CITY LOTS FOR AMERICAN MEDICAL RESPONSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Redevelopment Agency for payment of parking in city lots for American Medical Response 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 22nd day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-429

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY TOWER GROUP LLC TO PROVIDE PARKING IN CITY LOTS FOR AMERICAN MEDICAL RESPONSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and City Tower Group LLC to provide parking in city lots for American Medical Response 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 22 day of August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

JK

MODESTO CITY COUNCIL
RESOLUTION NO. 95-430

A RESOLUTION GRANTING APPROVAL FOR THE
CLOSURE OF K STREET BETWEEN 9TH AND 11
STREETS ON SEPTEMBER 30, 1995, FOR THE KIDS
FEST EVENT SPONSORED BY THE MODESTO BEE.

WHEREAS, The Modesto Bee proposes to sponsor a consumer
event entitled, "KidsFest", and

WHEREAS, KidsFest is a consumer participation event
featuring children's products, information and entertainment, and

WHEREAS, The Modesto Bee is anticipating approximately
10,000 consumers, half of whom will be small children, and

WHEREAS, due to the parking situation at Modesto Centre
Plaza, The Modesto Bee has filed a request with the City Council
for permission to close K Street between 9th and 11th Streets in
the City of Modesto to ensure street crossing safety for the
children, and

WHEREAS, K Street, between 9th and 11th Streets, is a
section of the State highway system, State Route 108, and a
permit from Caltrans to close the Street is required, conditioned
upon the City of Modesto granting permission to close said
street, and

WHEREAS, food and drink booths for consumers are also
being proposed in conjunction with this event, with all proceeds
from the concessions being donated to local children's charities
through the United Way, and

WHEREAS, the Transportation Policy Committee considered this request at its meeting held on August 17, 1995, and recommended approval to the City Council, and

WHEREAS, the Council has considered the request of The Modesto Bee for street closure of K Street between 9th and 11th Streets and the Council deems it appropriate to grant approval, subject to certain conditions,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the street closure of K Street between 9th and 11th Streets, which is a portion of the State Highway Route 108, as requested by The Modesto Bee, for the KidsFest event to be held on Saturday, September 30, 1995, subject to the following conditions:

1. The Modesto Bee is authorized to conduct said KidsFest event on Saturday, September 30, 1995, during the approximate hours from 8:00 a.m. to 6:00 p.m.
2. The Modesto Bee is authorized to barricade "K" Street, between 9th and 11th Streets not prior to 8:00 a.m. nor later than 6:00 p.m., for said KidsFest event, subject to approval from CALTRANS and in accordance with the provisions required by CALTRANS.
3. The barricades shall be at the sole expense of The Modesto Bee.
4. Any food booths, drink booths, or street vendors shall obtain the appropriate permits and licenses as may be required by the City of Modesto's Finance Department, and all rules and regulations shall be adhered to in relation to said permits and licenses.

5. The Modesto Bee shall adhere to all of the requirements of the Modesto Community Centre in relation to its use of said facility.
6. The Modesto Bee shall be responsible for removing any and all trash, garbage or refuse which may be left on private property.
7. The Modesto Bee shall provide signs directing vehicular traffic relating to the street closure under the guidance of the City of Modesto's Police Department, and as may be required by CALTRANS.
8. All public improvements shall be left in the same condition as existed prior to the KidsFest event.
9. All private and public property used as a result of the KidsFest event, either directly or indirectly, shall be left in a safe and nonhazardous condition. Any obstructions to public or private use shall be removed by The Modesto Bee no later than 9:00 p.m. on Saturday, after the event.
10. In the event of an emergency or an issue as to the conduct of the KidsFest event, the decision of the City Manager or his authorized designee in that regard shall prevail.

BE IT FURTHER RESOLVED that the following conditions shall apply to The Modesto Bee relating to its KidsFest event:

1. That The Modesto Bee 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 Modesto Bee's KidsFest event and the use of the City facilities.
2. That the City of Modesto shall indemnify and hold harmless The Modesto Bee 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 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.

3. That The Modesto Bee shall provide to the City Risk Management Department current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements at least one week prior to the date of the KidsFest event. 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 as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material change in coverage.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to file an application with Caltrans for the closure of K Street between 9th and 11 Streets on behalf of The Modesto Bee's KidsFest event to be held on Saturday, September 30, 1995.

BE IT FURTHER RESOLVED that the City Clerk shall furnish The Modesto Bee with a copy of this resolution. The Modesto Bee shall file a written acceptance of this resolution 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 August, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *R. Stevens, Asst.*
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-431

A RESOLUTION APPOINTING LEONARD CHOATE TO THE CITIZENS ADVISORY
COMMITTEE ON RECYCLING

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 RESOLVED by the Council of the City of Modesto as
follows:

SECTION 1. Leonard Choate is hereby appointed to the Citizens Advisory
Committee on Recycling to fill the unexpired term of Dennis Jackman. Mr.
Choate's term will expire 1/1/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed member of the Citizens Housing and Community
Development 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 22nd day of August, 1995, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-431

A RESOLUTION APPOINTING LEONARD CHOATE TO TO THE CITIZENS ADVISORY
COMMITTEE ON RECYCLING

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 RESOLVED by the Council of the City of
Modesto as follows:

SECTION 1. Leonard Choate is hereby appointed to the Citizens
Advisory Committee on Recycling to fill the unexpired term of Dennis
Jackman. Mr. Choate's term will expire 12/31/99.

SECTION 2. The City Clerk is hereby directed to transmit a copy of
this resolution to the newly appointed member of the Citizens Housing
and Community Development 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 22nd day of August, 1995,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember Dobbs, was upon roll call carried and the
resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-432

A RESOLUTION APPOINTING JOHN KERN TO HOUSING REHABILITATION LOAN COMMITTEE; REAPPOINTING FRED SANDOW TO THE HOUSING REHABILITATION LOAN COMMITTEE; APPOINTING BRAD PITTS TO REPRESENT THE HRLC ON THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE; AUTHORIZE SEAT #9 ON THE HOUSING REHABILITATION LOAN COMMITTEE TO BE FILLED ON A TERM BASIS

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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Appoint John Kern to fill the vacancy created by Steve Franklin on the Housing Rehabilitation Loan Rehabilitation Loan Committee. The term will expire on 12/31/99.

SECTION 2. Reappoint Fred Sandow to HRLC; new term to expire on 6/30/99.

SECTION 3. Appoint Brad Pitts to represent the HRLC on th Citizens Housing & Community Development Committee.

SECTION 4. Authorize that seat #9, which is reserved for a representative from the Stanislaus County Housing Authority, be filled on a term basis as opposed to the current one-year status.

SECTION 5. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members 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 22nd day of August, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-433

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION FOR THE ALLEY IN BLOCK 1024,
FROM BRIGHTON AVENUE TO ROSELENE AVENUE BETWEEN LOCKE ROAD AND ELIZABETH COURT

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did set the 5th day of September 1995, at 7:00 p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices on file in the office of the City Clerk, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices in accordance with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways 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 5th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-434

A RESOLUTION REJECTING THE PROPOSAL SUBMITTED FOR THE BUS BENCH FRANCHISE BY COAST UNITED ADVERTISING AND TO RESOLICIT PROPOSALS FOR THE FRANCHISE

WHEREAS, proposals were due June 27, 1995 for a five-year bus bench franchise to replace the current franchise which expires 12/31/95; and

WHEREAS, only one proposal was received from Coast United Advertising of Canoga Park which included many requested modifications to the specifications, and staff recommends that the City resolicit proposals for the Bus Bench Franchise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposal submitted by Coast United Advertising for the Bus Bench Franchise on June 27, 1995 be rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works & Transportation Department resolicit proposals for the Bus Bench Franchise to be opened October 3, 1995, at 2:00 p.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Mutatore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-435

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE T-HANGAR A AND D PAVEMENT PROJECT

WHEREAS, the bids received for T- Hanger A and D Pavement were opened at 2:00 p.m. on August 22, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of \$42,262.90, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 5th day of September, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-436

A RESOLUTION ACCEPTING THE CLAUS ROAD WIDENING - GARST ROAD TO GOMES ROAD
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Claus Road Widening - Garst Road to Gomes Road project, has been completed by George Reed, Inc., in accordance with the contract agreement dated June 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Claus Road Widening - Garst Road to Gomes Road project, be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$307,603.19 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 5th day of September, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-437

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A
SECOND AERIAL TOWER TRUCK

WHEREAS, in FY 1994-1995 a formal bid specification was prepared by the Purchasing Staff, Specification 9495-19, dated May 16, 1995 to purchase various utility vehicles.

WHEREAS, Pacific Utility Equipment Company, the low responsive and responsible bidder, at that time, was formally awarded a purchase order for one 1996 model aerial tower truck for the total price of \$82,341.82.

WHEREAS, the Public Works & Transportation Department has requested a second replacement vehicle for use by the Trees Division of the Parks and Recreation Department and,

WHEREAS, Pacific Utility Equipment Company will provide a second 1996 aerial tower truck with the same equipment for the same total price of \$82,341.82

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one aerial tower truck is hereby waived and that the purchase of one aerial tower truck from the Pacific Utility Equipment Company, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-438

A RESOLUTION ADOPTING THE TRANSIT SECTION'S
DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL
OF 10% PARTICIPATION IN TRANSIT CONTRACT
AWARDS FOR FISCAL YEAR 1995-96.

WHEREAS, the Transit Section's Disadvantaged Business
Enterprise (DBE) Program adopted by Council on May 2, 1988,
prescribes the establishment of an annual goal for DBE
participation in transit contract awards, and

WHEREAS, the Federal Mass Transportation Administration
(FTA) requires each grantee to submit its DBE goal on an annual
basis,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto does hereby adopt a DBE goal of 10% for
participation in transit contract awards for Fiscal Year 1995-96.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1995 by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-439

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BETTY S. WALDRON AND VELMA J. COX FOR THE LEASE OF 660 EL VISTA AVENUE (CRISMON HOUSE)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Betty S. Waldron and Velma J. Cox for the lease of 660 El Vista Avenue (Crismon House) 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 5th day of September, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-440

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND MID VALLEY ENGINEERING

WHEREAS, the agreement with Mid Valley Engineering for Engineering Services for Briggsmore/McHenry Intersection Modification was signed on June 15, 1993.

WHEREAS, additional services are required to accommodate the proposed Harvest Buffet Restaurant and to pursue California Division of Transportation (Caltrans) participation in the project.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Mid Valley Engineering be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the 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 5th day of September, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-441

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND NEAL GRIFFIN FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Neal Griffin for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program 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 5th day of September, 1995, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-442

A RESOLUTION ESTABLISHING THE CONSTITUTION AND
BY LAWS FOR THE CITY OF MODESTO GOLF COURSES
COMMITTEE.

WHEREAS, part of the Golf Enterprise Fund's Five Year
Strategic Plan is the implementation of a Golf Courses Committee,
and

WHEREAS, City staff has met with golf club
representatives and the Human Services Committee on several
occasions and provided them with the opportunity to review the
proposed Constitution and Bylaws, and their input has been
incorporated, and

WHEREAS, the Human Services/Public Safety Committee last
met and discussed this item on July 12, 1995, and the Committee
supported staff's recommendation, with the direction to add
"consecutive" to the number of years any member may serve, and

WHEREAS, on September 5, 1995, the City Council
considered this matter as recommended,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto does hereby adopt the City of Modesto Golf Courses
Committee Constitution and Bylaws, a copy of which document is
attached hereto and incorporated herein by reference.

CITY OF MODESTO GOLF COURSES COMMITTEE

CONSTITUTION AND BYLAWS

Article I

Definitions

- Section 1 There is created a Committee to be known and designated as the City of Modesto Golf Courses 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 Golf Courses Committee.
 - B. "Modesto Golf Courses Committee" and "Committee" shall mean the City of Modesto Golf Courses Committee.
 - C. "Modesto golf courses" shall mean Modesto Municipal Golf Course, Dryden Park Golf Course and Creekside Golf Course.
 - D. "Regular meeting" shall mean the monthly Committee meetings held on the third Monday of every month.
- Section 3 The fiscal year shall coincide with the City's fiscal year July 1 to June 30.

Article II

Objectives

- Section 1 The Committee shall be responsible for promotion of the game of golf in the Modesto area.
- Section 2 The Committee shall operate as an advisory body for and among organized golf clubs and the general golfing public of the City of Modesto golf courses.
- Section 3 The Committee shall act as liaison between the general golfing public, golf clubs, and the City of Modesto Parks and Recreation Department, and
- 1. shall receive and consider all proposals for innovations or material changes in established procedures or the modification of the golf courses.
 - 2. endorse participation in golf through the Player Development Programs and Tournament activities with a special emphasis on Junior, Senior and Disabled golf.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1995 by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Golf Courses Committee Bylaws

Page 2

- Section 4 The Committee shall encourage, promote and maintain a high standard of sportsmanship among golfers.
- Section 5 The Committee shall consider the annual budget for the Golf Enterprise Fund during the process of its preparation and make recommendations to the Director of Parks and Recreation concerning the annual budget of the Golf Enterprise Fund, including the fees and rates to be charged for the use of golf course facilities.
- Section 6 The Committee shall perform such other duties relating to the Modesto Golf Courses as may be assigned by the Director of Parks and Recreation.
- 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, engaged in work relating to the construction, improvement, repair, maintenance or operations of the Modesto golf courses.

Article III

Membership

- Section 1 The City of Modesto Golf Course Committee shall consist of 11 Members.
- Section 2 The Members of the Committee shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Committee.
- Section 3 None of the members shall hold any paid office or employment or shall be currently a contractor with the City of Modesto.
- Section 4 Five members of the Committee shall represent organized golf clubs at the municipal golf courses, one from each of the following clubs: Muni Niners; SIRS; Modesto Golf Club; Dryden Park Women's Club; and Creekside Golf Club. 6 members shall be appointed at large.

- Section 5 The membership of each organized golf club shall recommend one member to represent their respective clubs, with the remaining 6 at-large members to be approved by a majority vote of the City Council.
- Section 6 The Director of Parks and Recreation or his/her designee will serve as staff to the Committee and represent the City of Modesto, within the limits dictated by fiscal constraints.

Article IV

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 years for each Member of the Committee. Members may be re-appointed after their initial term, but in no event shall any person who has served two 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 year absence from the Committee has transpired.
- 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 III Membership of these bylaws. No member shall serve more than a maximum of eight consecutive years.
- Section 4 The terms of office for the inaugural Committee will be two years for five members of the Committee, and four years for the remaining six members. Each member's term of office shall terminate on December 31 of their 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.

Golf Courses Committee Bylaws

Page 4

Section 7 Members of the Committee may be removed by a majority vote of the City Council after a recommendation by the Director of Parks and Recreation and a majority vote of the Committee. Examples of 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 a resident of the City of Modesto.
- C. Automatic removal from the Committee will be required when a member is absent from three meetings within a 12 month period without official permission expressed in the official minutes.

Article V

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 Secretary 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 VI

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-year term commencing on January 1. The election shall be held at the January meeting, or the first meeting of the year.

Golf Courses Committee Bylaws

Page 5

- Section 2 All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.
- Section 3 The Chair shall not serve consecutive terms. The Vice-chair shall not serve consecutive terms.
- Section 4 The Chair shall preside at all meetings and appoint all sub-committees of the Committee 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 sub-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 Parks and Recreation Department shall provide a staff member to serve as secretary. He/She shall keep a record of the minutes of all meetings, reports of sub-committees and such other duties as are usually performed by a secretary. He/She shall supply the Members of the Committee and any sub-committees and the Director of Parks and Recreation and his/her designee(s) with copies of all records taken within three weeks after a meeting takes place. He/She shall also assist in publicity releases concerning Committee activities.

Article VII

Meetings

- Section 1 Regular meetings of the Committee shall be held on the third Monday 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 and Recreation 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 City Hall and will be available at the following public facilities: City Hall, the

Golf Courses Committee Bylaws

Page 6

Main Branch of the Stanislaus County Free Library and at City of Modesto golf courses.

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 standing or special sub-committees, shall be open to the public and shall be held at a public facility which is accessible in accordance with the regulations of the Americans with Disabilities Act.

Article VIII

Order of Proceedings

Section 1 Sturgis' Standard Code of Parliamentary Procedure 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:

1. Call to order
2. Approval of Minutes
3. Written Communications
4. Old Business
5. New Business
6. Oral Communications
7. Matters Too Late for the Agenda
8. Adjournment

Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names and addresses 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.

Article IX

Report to the City

Section 1 The Committee shall present a written Annual Report of its activities for the past year to the Mayor and City Council. The Annual Report may include new recommendations and shall include the following:

- A. The name of the committee
- B. Its objectives and function
- C. A reference to all reports and recommendations presented to the City Council, including the number of subject matters referred by the City Council
- D. The number of meetings held
- E. Attendance records of all members
- F. The number of public hearings conducted.
- G. A list of City personnel who regularly assisted the Committee.

Section 2 The City Clerk shall forward the annual Report to the City Council. Such reports shall be open to public inspection and made available through the Director of Parks and Recreation.

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 go beyond any of the powers and duties given to the committee by the City Council.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-443

A RESOLUTION OF INTENTION AND SETTING A PUBLIC HEARING FOR THE PURPOSE OF DESIGNATING AN AREA OF BENEFIT FOR THE POUST ROAD AND MC DONALD AVENUE CANAL CROSSING (LATERAL NO. 3) INTERSECTION IN THE CITY OF MODESTO (PUBLIC FACILITIES DISTRICT NO. 9).

WHEREAS, Section 7-1.804 of the Modesto Municipal Code provides that the City Council may initiate proceedings on its own motion for the designation of an area of benefit for a proposed public facilities project by adopting a resolution stating its intention to do so, and

WHEREAS, on May 16, 1995, the City Council adopted Resolution No. 95-243 which stated the Council's intention to initiate proceedings on its own motion for the designation of an area of benefit at the Poust Road and McDonald Avenue Canal Crossing (Lateral No. 3) Intersection in the City of Modesto, and

WHEREAS, Section 7-1.804 further provides that the City Council shall refer the proposed public facilities project to the City Manager and shall direct said City Manager with the assistance of City departments and, where appropriate, interested landowners, to make and file with the City Clerk a report in writing which shall contain provisions as set forth in said section, and

WHEREAS, the City Manager has caused the Public Works and Transportation Department to prepare and submit to the City Council a report dated May 1995, which report contains the information required by Section 7-1.804 of the Modesto Municipal Code, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, Section 7-1.805 of the Modesto Municipal Code requires that upon receipt of the report and the required resolutions of consent referred to in subdivision (h) thereof, the City Council may declare its intention to designate an Area of Benefit by adopting a Resolution of Intention which shall include certain provisions,

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

SECTION 1. The Council of the City of Modesto hereby states its intention to establish Public Facilities District No. 9. for the purpose of financing the Poust Road and the McDonald Avenue canal crossing (MID Lateral No. 3) intersection in the City of Modesto.

SECTION 2. The report prepared by the Public Works and Transportation Department, dated May 1995, on file in the office of the City Clerk, sets forth all the information required by subsections (a) through (f) of Section 7-1.805 of the Modesto Municipal Code for the purpose of establishing Public Facilities District No. 9.

SECTION 3. Notice is hereby given that October 3, 1995, at the hour of 7:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California, is hereby fixed as the time and place for hearing all persons interested in or objection to the designation of the area of benefit relating to the proposed establishment of Public Facilities District No. 9.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in The Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing and by mailing copies of the resolution of intention to the owners of the properties located within the proposed area of benefit at the addresses shown on the last equalized assessment roll, or as otherwise known to the City Clerk, or by any other means which the City Clerk finds reasonably calculated to apprise affected landowners of the hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day September, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-444

A RESOLUTION ACCEPTING THE BID OF KINGS ROOFING FOR THE MCHENRY MUSEUM REROOF PROJECT

WHEREAS, the bids received for The McHenry Museum Reroof Project were opened at 2:05 PM on August 30, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Kings Roofing in the amount of \$80,900.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Kings Roofing 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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mutatore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

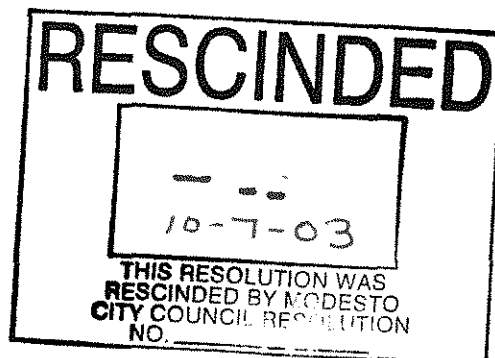
MODESTO CITY COUNCIL
RESOLUTION NO. 95-445

A RESOLUTION ADOPTING REVISIONS TO THE DOWN
PAYMENT ASSISTANCE PROGRAM RELATING TO
COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME
FUNDS.

WHEREAS, City staff proposes certain revisions to the
City's Down Payment Assistance Program, and

WHEREAS, the proposed revisions have been reviewed by
the Citizens Housing & Community Development Committee for CDBG
and HOME Program issues and the Redevelopment Advisory
Commission's Housing Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that revisions to the City's Down Payment
Assistance Program are hereby approved as recommended in a report
to the Council dated September 1, 1995, from the Community
Development Department, a copy of which report is marked Exhibit
"A", attached hereto, and incorporated herein by reference.



2003-529

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Date: September 1, 1995

TO: MAYOR AND CITY COUNCIL
FROM: Community Development Department
SUBJECT: Revisions to Down Payment Assistance Program

RECOMMENDED ACTION:

Resolution Adopting Revisions To Down Payment Assistance Program

BACKGROUND:

Last year, the City began operating a First Time Homebuyer Program in three developments in the City using CDBG and HOME funds. Because these funds are restricted to households earning under 80% of the median income, and other City requirements, only two loans have been closed thus far.

As part of our recent Request for Proposals to affordable housing developers, we received new applications from developers to use both HOME and Redevelopment Set-Aside funds for this program.

REASONS FOR RECOMMENDATIONS:

Before proposing these changes, staff met with single-family developers to discuss the City's program and ways it could be improved. The proposed revisions were reviewed by the Citizens Housing & Community Development Committee for CDBG and HOME Program issues. Since Redevelopment funds are being proposed for the Down Payment Assistance Program, the proposed revision were also reviewed by the Redevelopment Advisory Commission's Housing Committee, which recommended that the Down Payment Program be re-evaluated after nine months to determine if additional changes are necessary.

Staff proposes the following changes be made to the City's Down Payment Assistance Program.

1. Drop requirement for First Time Homebuyer. Propose that buyer can have owned property previously, but cannot currently own other real estate.
2. Drop owner cash equity requirement for persons under 80% of median from 3% to 1% (The required 1% however cannot be borrowed or gift funds). Persons earning more than 120% of median income (Redevelopment funds) would still need to have 3% down payment.
3. Increase maximum down payment assistance for persons under 80% of median (HOME funds) from \$5,000 to \$7,500. Persons between 80-120% would receive a maximum of \$5,000.

4. Program is limited to new construction only, and will be allocated to specific residential developments within the City. Developments will have reserved use of their allocation for nine months from approval by the City Council, after which they will be available for re-allocation. In addition, some funds will be allocated for future distribution to participating developers who use up their allocation.

5. Housing will be considered affordable if it sells for less than the following:

Two Bedroom - \$100,000

Three Bedroom- \$110,000

Four Bedroom - \$120,000

These changes, if adopted, will apply to all five development projects currently eligible for the program. Three of the projects (Conant Meadows, The Villages, and Algen Gardens) have set-asides of funds from last year. These funds will remain with those projects for nine months from the approval of the allocations by the City Council, after which time they will also be available for re-allocation.

COUNCIL COMMITTEE ACTION:

This item was reviewed by the Community Development & Housing Committee on September 7, 1995.

STEPS FOLLOWING APPROVAL:

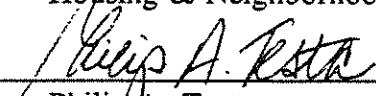
Housing & Neighborhoods staff will revise Program forms and documents to reflect revisions. Agreements and loan documents will be forwarded to the City Attorney's office for final approval. Staff will also contact lenders, borrowers, and other interested parties, to advise them of the Program changes.

Prepared by:



Stephen L. Young
Housing & Neighborhoods Manager

Recommended by:



Philip A. Testa
Community Development Director

Submitted by:

J. Edward Tewes
City Manager

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director

MODESTO CITY COUNCIL
RESOLUTION NO. 95-446

A RESOLUTION APPROVING AN ALLOCATION OF FUNDS
RELATING TO THE HOME PROGRAM.

WHEREAS, HOME Program funding requests and recommended allocations were reviewed by the Citizens Housing and Community Development Committee on August 25, 1995, and

WHEREAS, Redevelopment funding requests and recommended allocations were reviewed by the Citizens Redevelopment Advisory Commission on September 6, 1995, and its Housing Committee on August 24, 1995, and

WHEREAS, the Housing Committee amended staff's recommendation for Stanislaus Apartments, and also recommended that if a structured-payment loan is made to Stanislaus Apartments, that the loan amount should be no greater than \$100,000, and

WHEREAS, if a deferred-payment loan is made to the project, the loan amount should be limited to \$80,000 with the \$20,000 unallocated balance going to the 620 Paradise Road project, and

WHEREAS, the Committee endorsed the rest of staff's recommendations, with the change to Stanislaus Apartments, and

WHEREAS, HOME Program funding requests and recommended allocation of funding was submitted to the City Council by a report dated September 1, 1995, from the Community Development Department, a copy of which report 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 an allocation of \$550,000 in HOME Program funding is hereby approved as set forth in the report dated September 1, 1995, from the Community Development Department, a copy of which report is marked Exhibit "A", attached hereto, and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of HOME funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1995, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Date: September 1, 1995

TO: MAYOR AND CITY COUNCIL

FROM: Community Development Department

SUBJECT: HOME Funding Requests and Recommended Allocation of Funding

RECOMMENDED ACTION:

Resolution Approving Staff Allocation of \$550,000 in HOME Funds

BACKGROUND:

On June 12, 1995 the City began soliciting proposals for affordable housing projects to be funded, in part, with HOME or Redevelopment funds. Eleven respondents applied for the \$550,000 in HOME funds and \$720,000 in Redevelopment funds by the July 21, 1995 response deadline.

Single-Family Projects:

1. Conant Meadows, located at Conant Avenue and Rumble Road in North Modesto, developed by the Housing Authority County of Stanislaus.
2. The Villages, located at Marlow Street and Ridgecrest Drive in West Modesto, developed by Corn-Harris.
3. Parker Place, located at Parker Road and Claus Road in East Modesto, developed by Grant Homes.
4. Yosemite Meadows, located at Yosemite Boulevard and Claus Road in East Modesto, developed by Rod Lowe.
5. Self-Help Enterprises Sweat Equity Program, located on Paradise Road behind the multi-family project proposed by Self-Help.
6. Habitat for Humanity, three sites: 506 California, 1427 Ritsch Lane, and a site on Alma Avenue between Roseburg and Audrey.

Multi-Family Projects:

7. Paradise Apartments, located on Paradise Road, proposed by Self-Help Enterprises.
8. 620 Paradise, proposed by the Housing Authority County of Stanislaus
9. Stanislaus Apartments, located on 15th Street, proposed by Johnny and Tamara Matthews.
10. Paradise Gardens Trust-620 Paradise Road, proposed by a trust represented by Rod Reed.
11. Duplex on E. Coolidge Avenue, proposed by Ed. Trapp.

See Exhibit A for a summary of the applicants funding requests for HOME and Redevelopment funds.

REASONS FOR RECOMMENDATIONS:

HOME Program funding requests and recommended allocations were reviewed by the Citizens Housing & Community Development Committee on August 25. Redevelopment funding requests and recommended allocations were reviewed by The Citizens Redevelopment Advisory Commission on September 6 and its Housing Committee on August 24. The Housing Committee amended staff's recommendation for Stanislaus Apartments. The Housing Committee recommends that if a structured-payment loan is made to Stanislaus Apartments, the loan amount should be no greater than \$100,000. If a deferred-payment loan is made to the project, however, the loan amount should be limited to \$80,000 with the \$20,000 unallocated balance going to the 620 Paradise Road project. The Committee endorsed the rest of staff's recommendations, with the change to Stanislaus Apartments.

See Exhibit B for a summary of staff recommendations for HOME and Redevelopment funds.

SINGLE-FAMILY PROJECT RECOMMENDATIONS

Conant Meadows, The Villages, Parker Place and Yosemite Meadows

It is recommended that Conant Meadows, The Villages, Parker Place and Yosemite Meadows be allocated \$20,000 in Redevelopment funds and \$15,000 in HOME funds. In addition, \$20,000 in Redevelopment funds and \$15,000 in HOME funds will be allocated for additional down payment assistance and will be made available to any one of the four single-family developers who uses up their specific allocation.

In addition, Algen Gardens at Algen and Crows Landing in South Modesto has a carry over of HOME funds from FY 1994, as does the Conant Meadows project and the Villages. Those funds will continue to be available for Down Payment assistance under the revised program rules until the end of Fiscal 95.

Self-Help Enterprises Sweat Equity Program

It is recommended that Self Help Enterprises receive an allocation of \$50,000 in Redevelopment Funds and \$25,000 in HOME funds, to provide down payment assistance to the participants in the non-profit agency's construction of ten single family homes behind the multi-family project on Paradise Road. This project serves very low income families and will not be conventionally financed, as it involves sweat equity.

MULTI-FAMILY PROJECT RECOMMENDATIONS

Self-Help Enterprises-Paradise Road Apartments

This project has received commitments of HOME funds in the past, contingent upon receiving tax credit approval. That approval has now been made, which will allow the agency to proceed with securing permanent and construction financing. This project will produce 48 units of 3 and 4 bedroom apartments for low and very low income households. This is precisely the type of housing most needed, according to the City's Consolidated Plan.

To complete the necessary gap financing for this project, staff is recommending \$97,000 in HOME funds and \$70,000 in Redevelopment funds. The total project will total \$4.2 million, and the combined City financing, including HOME funds previously committed, will total \$820,000 in deferred loans.

Housing Authority of County of Stanislaus-620 Paradise Road

The Housing Authority has applied for \$1,280,000 in combined HOME and Redevelopment funding to assist in the acquisition and renovation of this project. The property is considered the most deteriorated in the entire City, has a vacancy rate of over 50%, and many of the units are severely over-crowded. The repair of this property is considered a top priority of the City. Currently, the property is owned by an out-of-state corporation which has shown no inclination to rehabilitate the property.

The Housing Authority proposes to acquire the project, and without relocating the existing tenants, convert the 172 two-bedroom units to 110 units of larger size (3 and 4 bedroom) in order to accommodate the larger size families. The project is extremely expensive with a total estimated cost of \$7.6 million and a per unit cost of nearly \$70,000.

California State University, Stanislaus has applied for a HUD grant that, if approved, will provide up to \$1.8 million for the renovation of this complex. The pro-forma submitted by the Authority shows that the receipt of this grant is of fundamental importance to their ability to proceed with this project. If CSU does not receive the grant, it is unlikely that the

Housing Authority will be able to proceed with the project. It is expected that we will receive word on the status of the application in September. If the grant is not received, and the owner does not make the required repairs, it is possible that the tenants will need to vacate the property and be relocated (The tenants are quite opposed to vacating the property and would prefer to remain, despite the poor conditions). Should relocation of the tenants be necessary, the City has allocated up to \$85,000 in HOME funds to be used for relocation expenses such as moving, lease-up, security deposits, etc. up to a maximum of \$1,000 per occupied household.

Given the high priority of this project, staff is recommending that \$353,000 in HOME funds and \$400,000 in Redevelopment funds, for a combined total of \$753,000, be reserved for this project until December 31, 1995. The Authority must have acquired the property by that date, or the funds will revert to other eligible projects. It is also possible that, if they acquire the property, the Authority may return to the City and request additional HOME funds from FY 96 funds to complete the necessary financing on this project.

Stanislaus Apartments

Johnny and Tamara Matthews, local business owners, applied for \$100,000 in Redevelopment funds to rehabilitate a recently purchased 4-plex at 622 15th Street. The structure is located in the Redevelopment Project Area. Two units are currently being rented to AFDC homeless tenants and the remaining two units are vacant. After rehabilitation, two units would be restricted to very-low income tenants and two units would be restricted to low-income tenants, as defined by Redevelopment. Relocation would not be required since only two units would be rehabilitated at a time.

An on-site inspection by staff estimates rehabilitation costs between \$80,000 and \$100,000. Staff recommends that \$100,000 in Redevelopment funds be set aside for this project. However, the applicant will be required to obtain a contract's estimate of the total rehabilitation cost, and the bulk of the construction must be done by a licensed contractor. The applicant must also

provide an appraisal and any additional financial or other information required for further evaluation and analysis.

PROJECTS NOT RECOMMENDED FOR FUNDING AT THIS TIME

Applications not recommended for funding at this time will be reconsidered during the next open application round, which could be as early as the fall of 1995, depending on the disposition of the Housing Authority application for 620 Paradise, and the success of the other applicants in meeting their funding conditions.

Habitat for Humanity

Habitat's Stanislaus Chapter submitted three applications for HOME funds. HOME funds are being requested to acquire two properties in the southwest part of Modesto. The funds would also be used to pay for street improvements associated with the development of the housing projects. HOME funds are also being requested to pay for the relocation of existing sewer and water lines of a project proposed along Roseburg Avenue, immediately west of McHenry Avenue. The three projects are discussed in more detail below.

a. Habitat for Humanity Land For New Houses - 506 California Avenue

Habitat for Humanity requests \$235,000 of HOME funds to acquire and help develop a 2.74 acre parcel with up to ten single-family dwellings. The California Avenue property is located on the south side of California Avenue, West of Martin Luther King Drive. This property is located outside of the City limits. Consequently, if funding is allocated, it can only be provided once the property is annexed.

There are several issues that must be addressed before funding can be allocated to this project.

1. The property must be annexed to the City of Modesto.
2. The developer of this property must obtain certain development entitlements (e.g. appropriate zoning, an approved tentative subdivision map, and an approved environmental assessment).
3. Sewer and water lines must be extended to serve the site.
4. An existing irrigation easement must be abandoned or reduced as approved by the Irrigation District.
5. An appraisal of the property must be conducted.
6. A cost estimate of required street improvements is needed to justify funds requested.

b. Habitat for Humanity Land for New Construction - 1427 Ritsch Lane

Habitat for Humanity requests \$79,900 of HOME funds to acquire and help develop a 21,600 square foot parcel. This property along with an adjacent property to the west are planned to be developed with six dwellings for low-income households. The Ritsch Lane property is located on the north side of Beverly Drive, West of Paradise Road. This property is also located outside of the City limits. As a result, funding if allocated, can only be provided once the property is annexed.

There are several issues that must be addressed before funding can be allocated to this project.

1. The property must be annexed to the City of Modesto.

2. The developer of this property must obtain certain development entitlements (e.g. appropriate zoning, an approved tentative subdivision map, and an approved environmental assessment).
3. The project may require the provision of joint access easements for vehicular access on to the developed parcels.
4. Sewer and water lines must be extended to serve the site.
5. An appraisal of the property must be conducted.
6. A cost estimate of required street improvements is needed to justify funds requested.

c. Habitat for Humanity Building Program - Alma Ave. between Roseburg and Audrey Ave.
Habitat for Humanity is requesting \$7,500 for costs associated with the relocation of water and sewer lines. The lines are located along the center of the property that Habitat wants to develop. Habitat would like to build a single family dwelling on this site with an orientation to Audrey Avenue located to the north. The subject property is dedicated street right-of-way that was never developed. The right-of-way will have to be abandoned and easements maintained for sewer and water lines.

There are several issues that must be addressed before funding can be allocated to this project.

1. Alma Avenue must be abandoned.
2. The property will revert back to individuals identified in a title search of the property (Habitat must be able to acquire the subject property once the road is abandoned).
3. A cost estimate to relocate the water and sewer lines must be submitted.
4. New easements must be identified and recorded.

Staff does not recommend allocating funding to Habitat at this time. However, should the Housing Authority not exercise their allocation for 620 Paradise Road, the Committee would consider these applications on the condition that the applicant has made progress towards resolving the issues identified above.

Paradise Gardens Trust

A trust represented by Rod Reed is requesting \$1,030,000 in combined HOME and Redevelopment funds to subsidize the acquisition and rehabilitation of the 173 unit multi-family apartment at 620 Paradise Road. The project is located in the Redevelopment Project Area. The trust proposes to purchase the property for \$2.8 million, which staff feels is too high. Rehabilitation and other costs could not be determined based on the information provided. In addition, no appraisal was provided. Staff does not recommend funding this project. The applicant has not provided the basic information necessary for staff to determine the feasibility of the project.

Ed Trapp-408 E. Coolidge Avenue

Ed Trapp requested \$20,000 in HOME funds to acquire a structure to be rehabilitated into a duplex with two 1-bedroom units. The structure is currently elevated on jacks at the project site on Coolidge. The applicant is part-owner of the site, but the structure is owned by a house-moving company. The total project cost is estimated at \$120,000, which includes acquisition of the structure, rehabilitation costs, and refinancing the cost of the land. Housing would be provided for individuals with special needs, and rent levels would be restricted to 50% and 65% of median area income (The units would be rented to low-income relatives with disabilities).

Funding for this project is not recommended at this time. While staff realizes that Mr. Trapp is pursuing permanent financing, such financing has not been secured and the project has not been appraised. A contractor's proposal estimates construction costs at \$53,000 to \$68,000, but the proposal lacks the detailed work write-up required for adequate evaluation. Also, an operating proforma analysis reveals a negative cash flow, indicating that gross rents will not cover operating expenses and debt service.

Staff recommends that Mr. Trapp apply for a FHA 203(k) mortgage loan to accomplish the acquisition, rehabilitation, and refinancing project. He has already been referred to an approved lender to assist with the loan application process.

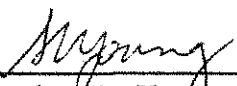
COUNCIL COMMITTEE ACTION:

This item was reviewed by the Community Development & Housing Committee on September 7, 1995.

STEPS FOLLOWING APPROVAL:

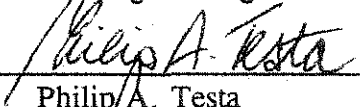
1. Housing & Neighborhoods staff will work with the applicants to clear up any contingencies required for loan approval.
2. Housing & Neighborhoods staff will work with the City Attorney to prepare loan documents for applicant signature. The agreements and loan documents will be returned to the Council and/or Agency for authorization for the City Manager/Executive Director to execute the agreements.
3. Projects will be monitored for compliance with the loan agreement for the term of the loan.

Prepared by:



Stephen L. Young
Housing & Neighborhoods Manager

Recommended by:



Philip A. Testa
Community Development Director

Submitted by:

J. Edward Tewes
City Manager

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director

Attachments: Exhibits A & B

Summary of HOME/Redevelopment Agency Housing Fund Applications

Exhibit A

Applicant And Proposed Project Information	HOMES Requested	RAHFS Requested	HOME or RAHFS Requested	Total\$ Requested
SINGLE-FAMILY PROJECTS				
1. Conant Meadows-Housing Authority, 38 Units, Conant Ave, Down payment assistance for 10 units. Requesting \$10,000 per household. Will match City assistance. Sale price \$102,131 - \$105,655.	50,000	50,000		100,000
2. The Villages-Corn-Harris, 60 Units, Marlow & Ridgecrest. Down payment assistance for 15 three-bedroom homes. Requesting \$5,000 per household. Sale price \$77,900 - \$94,900.			75,000	75,000
3. Parker Place-Grant Homes, 54 Units, Claus & Parker. Down payment assistance for 3 and 4 bedroom homes. Requesting \$5,000 per household. Sales price \$107,500.			260,000	260,000
4. Yosemite Meadows-Rod Lowe, 76 Units, Yosemite & Claus. Down payment assistance for 15 3-bedroom homes. Requesting \$5,000 per household. Sale price \$89,900 - \$112,900.			75,000	75,000
5. Self-Help Enterprises Sweat Equity Program, 10 Units, Paradise Rd. Down payment assistance for 10 homes. Requesting \$10,000 per household in RAHF funds. The site is in the RDA Project Area.		100,000		100,000
6. Habitat for Humanity a. 10 Units, 506 California. Requesting funds to acquire and develop a 2.74 acre parcel with up to 10 single-family Habitat homes. The site is located outside the City limits. b. 6 Units, 1427 Ritsch Lane. Requesting funds to acquire and develop a 21,600 square foot parcel with up to 6 single-family homes. The site is located outside the City limits. c. 1 Unit, Alma Avenue & Roseburg. Requesting funds to relocate water and sewer lines in the development of a one single-family home. Parcel is a dedicated street right-of-way.	235,000			235,000
	79,900			79,900
	7,500			7,500
MULTI-FAMILY PROJECTS				
7. Paradise Apartments-Self-Help Enterprises, 48 Units, 3 and 4-bedroom units for low and very-low income households, Paradise Road. Requesting funds to complete financing gap. The project will cost \$4.2 million. Combined City financing, including HOME funds previously committed, will total \$802,000.	97,000	75,000		172,000
8. 620 Paradise, Housing Authority. Will acquire and renovate 172 2-bedroom units into 110 2, 3, and 4-bedroom units. Project is in the Redevelopment Area and contingent on \$1.8M HUD Grant applied for by CSU.	550,000	730,000		1,280,000
9. Stanislaus Apartments-Johnny & Tamara Matthews, 4 units, 622 15th Street. Will renovate house into two 1-bedrm and two 2-bedrm units for low and very-low income tenants, in the Redevelopment Project Area.		100,000		100,000
10. Paradise Gardens Trust-Rod Reed, 620 Paradise, 172 Units, Will acquire and renovate existing units. Eighty-six affordable units will be offered. The site is in the Redevelopment Project Area.	550,000	480,000		1,030,000
11. Ed Trapp, 408 E. Coolidge, 2 units. Will acquire and renovate a duplex into two 1-bedroom units. Will provide special needs housing to very-low income tenants. Total development cost is \$120,000.	20,000			20,000
Total	1,589,400	1,535,000	410,000	3,534,400

**Recommended Allocation Of HOME
And Redevelopment Funding**

Exhibit B

read02b

	HOME	REDEVELOP- MENT	TOTAL
Single Family Projects:			
1. Conant Meadows-Housing Authority	\$15,000	\$20,000	\$35,000
2. The Villages-Corn-Harris	15,000	20,000	35,000
3. Parker Place-Grant Homes	15,000	20,000	35,000
4. Yosemite Meadows-Lowe	15,000	20,000	35,000
5. Down Payment Assistance Program Pool	15,000	20,000	35,000
6. Self-Help Enterprises Sweat Equity Program	25,000	50,000	75,000
Subtotal-Single Family Projects	\$100,000	\$150,000	\$250,000
Multifamily Projects:			
1. Paradise Rd. Apartments, Self-Help Enterprises	\$97,000	\$70,000	\$167,000
2. 620 Paradise Road-Housing Authority	353,000	400,000	753,000
3. Stanislaus Apartments, 622 15th St., Matthews	0	100,000	100,000
Subtotal-Multifamily Projects	\$450,000	\$570,000	\$1,020,000
Total Available Funding	\$550,000	\$720,000	\$1,270,000

MODESTO CITY COUNCIL
RESOLUTION NO. 95-447

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE MENTAL HEALTH SERVICES TO SWORN POLICE OFFICERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Phillip Trompetter to provide mental health services to sworn police officers 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 12th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clark
①

MODESTO CITY COUNCIL
RESOLUTION NO. 95-448

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:

Used Oil Coordinator

The job specification for the classification of Used Oil Coordinator (Range 116), 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. EFFECTIVE DATE. This resolution shall become effective on and after September 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

USED OIL COORDINATOR

DEFINITION

Under general direction, plans, organizes, and implements the City's grant funded Used Motor Oil Recycling Program; represents the City and provides assistance to existing Certified Used Oil Collection Centers and recruits new Certified Collection Centers from the local business community; coordinates the transition of the used oil collection program from collection by the recycling vehicle to collection by refuse vehicles; distributes collection containers; implements public education programs.

SUPERVISION RECEIVED AND EXERCISED - Receives direction from the Integrated Waste Specialist.

EXAMPLES OF DUTIES - Duties may include but are not limited to the following:

Purchases and coordinates distribution of curbside oil collection containers.

Coordinates the retrofitting of existing automated garbage/recyclables collection trucks to hold used oil containers. Purchases and distributes used oil sniffers for use on the collection routes.

Coordinates the purchase and delivery of storage tanks to the garbage/recyclable/oil collection companies.

Monitors used oil collection activities of the collection companies (existing licensed garbage collection companies) and tracks oil collection expenses.

Works with/recruits local businesses to become Certified Collection Centers. Encourages participation and provides incentives, with the goal of establishing 20 Certified Centers in Modesto.

Purchases and coordinates the distribution of portable, 95 gallon hazardous materials drums, test kits, labels, and on-site storage lockers for oil collection equipment.

Coordinates development of, and arranges for, airing of radio and television ad campaigns; coordinates other multi-media efforts.

Assists in the implementation and monitoring of the K-12 used oil education program, and makes presentations in local schools, at public events, and to community organizations.

Conducts business workshops; and otherwise promotes the safe

EXAMPLES OF DUTIES (Continued):

handling and disposal of used motor oil.

Manages contracts with graphics designers to develop artwork for, and coordinates the purchase and distribution of "user friendly" oil change/recycling containers as an incentive for the proper disposal of used motor oil.

Uses personal computer to perform word processing, spreadsheet, and specialized functions.

Performs other duties as assigned.

QUALIFICATIONS

Knowledge of:

Environmental issues and concerns related to solid, hazardous, and recoverable waste collection and disposal.

Written and oral communication techniques and methodologies, including graphic presentations.

General principles and practices of program planning and implementation.

General budgeting principles and practices; expense monitoring and tracking; procurement of materials and supplies.

Marketing and public information practices.

Ability to:

Plan, develop, organize, and implement a used motor oil collection program.

Coordinate and integrate the used motor oil program with other agencies.

Collect and analyze data and costs to draw logical conclusions and make appropriate recommendations.

Identify operational and administrative problems and implement problem resolving changes.

Develop and maintain effective working relationships with individuals and with groups.

Ability to (Continued):

Prepare written and oral reports, speak to community groups, news media, and the general public.

Assist in administration of program budgets.

Communicate clearly and concisely with the general public and also with representatives from County and State agencies.

Experience and Training Guidelines:

Any combination of education and/or experience which has provided the knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Training:

One year experience in an environmental management, environmental planning, or environmental enforcement field, with public contact.

Education:

Equivalent to an Associate's Degree from an accredited college or university in Environmental Science, Biological Science, or Physical Science or a related field.

License or Certificate

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-449

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO APPROVE A REVISED
CLASS RANGE TABLE FOR GENERAL NON-SWORN
CLASSES.

WHEREAS, Exhibit "A" of Resolution No. 95-26 has been
previously amended by Resolution No. 95-349, and

WHEREAS, the City Council desires to further 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 July 11, 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 September 12, 1995", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" adds the newly created position of Used Oil
Coordinator (Range 116) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become
effective on and after September 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective September 12, 1995

RANGE	TITLE
103	Administrative Clerk I
104	
105	
106	
107	Administrative Clerk II Animal Control Officer I Custodian
108	
109	Police Clerk
110	Maintenance Worker I Equipment Service Worker I
111	Account Clerk Animal Control Officer II Evidence & Property Specialist
112	Code Enforcement Officer I
113	Computer Operator Administrative Technician Drafting & Graphics Technician
114	Electrical Technician I Storeskeeper Maintenance Worker II Equipment Service Worker II
115	Accounting Technician Planning Technician I Wastewater Treatment Plant Attendant Community Service Officer Assistant to the Events Coordinator

Class Range Table
General Non-Sworn Classes
Page 2

116 Code Enforcement Officer II
 Equipment Operator
 Fire Prevention Technician I
 Meter Reader/Repair Worker
 Motor Sweeper Operator
 Traffic Technician
 Traffic Painter
 Traffic Sign Worker
 Water Line Worker
 Wastewater Collection System Operator
 Used Oil Coordinator

117 Electrical Technician II
 Storm Water Inspector

118 Tree Trimmer
 Senior Storeskeeper
 Street Trees Crewleader
 Parking Lot Maintenance Crewleader
 Parks Crewleader

119 Maintenance Mechanic - Parks
 Planning Technician II
 Maintenance Mechanic - Pumps
 Wastewater Treatment Plant Operator
 Civil Engineering Technician I
 Building Maintenance Mechanic
 Police Administrative Assistant
 Public Information Technician

120 Welder/Fabricator
 Senior Equipment Operator
 Fire Prevention Technician II
 Equipment Mechanic
 Assistant Electrician
 Traffic Painter Crewleader
 Accountant I
 Assistant Lab Technician
 Systems Technician

121

Class Range Table
General Non-Sworn Classes
Page 3

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

Class Range Table
General Non-Sworn Classes
Page 4

133

134 Senior Building Inspector
 Senior Construction Inspector
 Fire Plan Checker
 Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 95-451

A RESOLUTION APPROVING AN INTER-AGENCY AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATE UNIVERSITY STANISLAUS FOR ADMINISTRATION AND ADJUDICATION OF PARKING CITATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California State University Stanislaus for administration and adjudication of parking citations 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 12th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-452

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR PLACEMENT OF A DIRECTIONAL SIGN ON CITY PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of Stanislaus County for placement of a directional sign on City property 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 12th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-453

A RESOLUTION REJECTING BIDS RECEIVED FOR FURNISHING AND INSTALLING ONE VEHICLE LIFT RECEIVED AND OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 14, 1995, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 95-357, adopted by the Council of the City of Modesto on July 18, 1995, approved the specifications for furnishing and installing one vehicle lift; and

WHEREAS, the bids received for furnishing and installing on vehicle lift were opened at 11:00 a.m. on August 14, 1995;

WHEREAS, the first and second low vendors were technically non-responsive and all vendors exceeded the budgeted amount.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing and installing one vehicle lift, opened in the office of the City Clerk on August 14, 1995, are hereby rejected.

BE IT FURTHER RESOLVED that a new call for bids for furnishing and installing on vehicle lift to be opened October 11, 1995, at 11:05 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the the 19th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-454

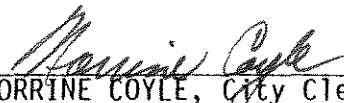
A RESOLUTION ACCEPTING THE CONTRACT OF KING'S ROOFING FOR REROOFING HANGAR NO. 1 - AT THE MODESTO CITY-COUNTY AIRPORT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the reroofing of Hangar No. 1 project at the Modesto City-County Airport, has been completed by King's Roofing, in accordance with the contract agreement dated November 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the reroofing of Hangar No. 1 project at the Modesto City-County Airport, be accepted from said contractor, King's Roofing; that Notice of Completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$62,460.28 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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-455**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR AN EXISTING AIRPORT PROJECT-REPROOF HANGAR NO. 1.

WHEREAS, The City awarded a contract to King's Roofing or construction of this project on November 1, 1994. The scope of work included removal of the existing deteriorated three layers of roofing , and installation of a combination of asphalt shingles and built up roofing on the hangar.

WHEREAS, An increase of approximately \$11,000 is needed to cover change orders. These change orders were due to extensive dryrot damage being discovered after the old roofing material was removed.

WHEREAS, the Airport Fund is currently projected to have a zero available fund balance, therefore it is necessary to increase the loan from the General Fund to the Airport Fund.

THEREFORE, the following adjustments are necessary:

General Fund 010

Fund/Agy/Org		Increase (Decrease)
Expenditures		
010-701-7001-7632	Transfer out to the Airport Fund (loan)	\$11,000
010-800-8000-8003	General Fund Contingency Reserve	(\$11,000)

Special Fund for Capital Outlays 632

Fund/Agy/Org		Increase (Decrease)
Revenue		
632-701-7001-9010	Transfer in from General Fund (loan)	\$11,000
632-480-D341-6040	Reroof Hangar #1	\$11,000

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 19th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95- 456

A RESOLUTION ACCEPTING THE CONTRACT OF ROLFE CONSTRUCTION COMPANY FOR THE
CLAUS ROAD WATERLINE PROJECT - BRIGGSMORE TO SYLVAN AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works &
Transportation that the Claus Road waterline project - Briggsmore to Sylvan
Avenue, has been completed by Rolfe Construction Co., in accordance with the
contract agreement dated April 25, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Claus Road waterline project -
Briggsmore to Sylvan Avenue, be accepted from said contractor, Rolfe Construct-
ion; that Notice of Completion be filed with the Recorder of Stanislaus County
and that payment of amounts due in the amount of \$553,464 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 September, 1995, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, was upon roll call carried and the
resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95- 457

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING VARIOUS SIZE WATER METERS

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

SECTION 1. The specifications for the purchase of various size meters, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 11, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 19th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-458

A RESOLUTION ADOPTING A POLICY RELATING TO THE PAYMENT OF PREVAILING WAGES ONLY ON CONSTRUCTION CONTRACTS ON WHICH THERE ARE STATE OR FEDERAL FUNDS WHICH HAVE PREVAILING WAGE REQUIREMENTS OR FOR PROJECTS HAVING STATEWIDE CONCERN.

WHEREAS, on August 21, 1995, the Financial Policy Committee, after receiving testimony from those interested in the subject, has recommended to the City Council that the City adopt a policy which would eliminate prevailing wage provisions on all locally funded projects, and

WHEREAS, the Council considered this matter at its meeting of September 19, 1995, and desires to establish a policy relating to prevailing wages,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following policy is hereby established:

Prevailing wages, as that term is used in Labor Code Section 1770 et seq., shall hereafter be required only on construction contracts which are funded in whole or in part by State or Federal funds where the receipt of such funding by the City is conditioned upon a prevailing wage requirement, or where the construction contract is for a project which has statewide concern.

BE IT FURTHER RESOLVED that the Council declares its intent to appoint a blue ribbon citizens committee to review the effect this policy has on the local economy over the next year and report back to the Council at the end of that time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1995, by Councilmember Cogdill, 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: Cogdill, Friedman, McClanahan, Muratore

NOES: Councilmembers: Dobbs, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-459

A RESOLUTION APPROVING FINANCING AGREEMENTS BETWEEN THE CITY OF MODESTO AND DANIEL GARRETT, AMELIA PERIERA AND ROGER ELLIS FOR THE PURPOSE OF REHABILITATING PROPERTY PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Daniel Garrett for the purpose of rehabilitating property at 2310 Whitcomb Way; Amelia Periera for the purpose of rehabilitating property at 2729 McAdoo Avenue; and Roger Ellis for the purpose of rehabilitating property at 2617 Whitcomb Way, pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreements 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 19th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Acting Mayor Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-460

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SUNRISE ROTARY FOR THE PURCHASE AND INSTALLATION OF PLAY APPARATUS AT ORCHARD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sunrise Rotary for the purchase and installation of play apparatus at Orchard Park 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 19th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Acting Mayor Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO.95-461

A RESOLUTION MAKING THE REQUIRED STATUTORY
FINDINGS AND ACCEPTING THE ANNUAL CAPITAL
FACILITIES FEES FUND SUMMARY REPORT.

WHEREAS, each year the City Council is required to
review certain Capital Facilities Fee (CFF) matters, pursuant to
Government Code Sections 66006(b), and

WHEREAS, such matters required by said Government Code
are as follows:

1. The beginning and ending balance for the fiscal year.
2. The fee, interest, and other income received in each fund.
3. The expenditures made in each fund.
4. The amount of any refunds given.

and

WHEREAS, a report to the Council dated September 11,
1995, from the Director of Finance summarized the items required
by said Government Code Section, and

WHEREAS, said report was considered by the City Council
at its meeting held on September 19, 1995,

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

1. That the Council finds that the only fund which
meets the criteria pertaining to any Capital Facilities Fees
Funds which remain unexpended or uncommitted five or more years
after being deposited, is the Police CFF fund.

2. That the Council finds that the Police CFF fund was established for the purpose of expanding the Police Facility.

3. That the Council finds that the reasonable relationship between the fee and the purpose for which said fee was charged was established in the 1989 Recht Hausrath Report.

BE IT FURTHER RESOLVED that after making the above findings, the Council hereby accepts the report of the Capital Facilities Fee Annual Summary Report for 1994-1995, a copy of which is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



**CITY OF MODESTO
AGENDA REPORT**

**AGENDA ITEM NO.
COUNCIL MEETING: 9/19/95**

Date: September 11, 1995

TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Capital Facilities Fees Annual Summary Report

RECOMMENDED ACTION:

Resolution accepting report of the Annual Capital Facilities Fees Fund Summary and making the required statutory findings.

BACKGROUND

Each year the City Council is required to review certain Capital Facilities Fee items pursuant to Government Code Sections 66006(b). These required items are as follows: the beginning and ending balance for the fiscal year; the fee, interest, and other income received in each fund; the expenditures made in each fund; and the amount of any refunds given.

This report is a summary of those items. A public hearing is not required. The City Council's acceptance of this report fulfills the Government Code Obligation.

In addition, the City is required annually, pursuant to Government Code Section 66001(d), to make certain findings regarding any CFF funds that remain unexpended or uncommitted five or more years after being deposited. The only fund which meets this criteria is the Police CFF fund. The required findings are: 1) This fund was established to expand the Police Facility; 2) The reasonable relationship between the fee and the purpose for which it was charged was established in the 1989 Recht Hausrath Report.

REASONS FOR RECOMMENDATION:

This report must be generated in order to comply with the Government Code .

Prepared by:

Catherine Brown
Catherine Brown, Budget Analyst and
CFF Task Force Member

Recommended by:

Kevin Riper
Kevin Riper, Director of Finance

Submitted by:

J. Edward Tewes, City Manager

cc: Deputy City Manager
City Attorney
City Clerk (16)
CFF Task Force Committee

**Capital Facilities Fee
Annual Summary Report
1994-95**

The annual report is made each year in order to comply with the Government Code sections 66001(d), and 66006(b) relating to the collection of Capital Facility Fees (CFF).

Requirements for Section 66001(d) are as follows: "The local agency shall make findings once each fiscal year with respect to any portion of the fee remaining, unexpended or uncommitted in its account five or more years after deposit of the fee to identify the purpose to which the fee is to be put and demonstrate a reasonable relationship between the fee and the purpose for which it was charged."

As of 6/30/95, only one of the CFF funds had a portion of the fee remaining in it's fund which was either unexpended, uncommitted and had been collected five or more years ago. This was the Police CFF fund, which had \$95,037 remaining in it's fund. The CFF funds have been based on the need for certain capital projects to be completed. These projects are identified in the Capital Improvement Program as well as in the Annual Capital Facility Fee (CFF) Updates.

The nexus for the Phase I CFF fees was established in the 1989 Recht Hausrath Capital Facility Fee report which was adopted by Council on February 28, 1989. The nexus for the Phase II fees was established in the Dowling Traffic Study which was adopted by Council on November 20, 1989. The nexus for these fees has not changed.

In a few of the funds, such as the Police, Parks, and the Other Facilities funds, the outlined projects are so large that funding must first be accumulated over several years before the projects can begin.

Section 66006(b) requires a listing of the following for each fund:

- beginning and ending fund balance
- fees collected during the year
- interest allocated during the year
- other income
- expenditures made in each fund
- amount of any refunds given

This information is listed on Attachment I.

City of Modesto
Capital Facilities Fees
Annual Summary Report
FY 1994-95

	Total All Funds	Police 131	Fire Fund 132	Expsswy Fund 133	Street Lights Fund 134	Parks Fund 135	Traffic Signals Fund 136	Wastewtr Treatmt Fund 137	Other Facilities Fund 138	CFF Admin Fund 139	Streets Fund 141	Public Transpntn Fund 142	Air Quality Fund 143
Fund Balance 6/30/94	10,123,511	1,179,094	(325,266)	261,268	11	2,149,655	27,157	148,330	756,943	58,767	5,489,922	147,536	230,094
Add:	0												
Fee Revenue (net of refunds)	1,009,573	75,584	34,036	0	0	150,650	0	(8,279)	38,679	18,833	680,037	7,291	12,742
Other Revenue(State/Cty)	87,801	0	0	0	0	11,051	0	0	0	0	76,750	0	0
Transfers In	277,828	0	0	0	0	0	0	0	0	0	277,828	0	0
Interest Revenue	495,851	64,260	175	0	0	104,074	0	(828)	40,938	3,629	262,275	8,368	12,961
Less:													
Expenditures	2,746,745	326,905	80,964	10,607	0	815,197	0	0	42,787	15,567	1,452,368	0	2,349
Transfers Out	512,925	0	0	250,661	11	0	27,157	139,223	95,874	0	0	0	0
Fund Balance 6/30/95	8,734,894	992,033	(372,019)	0	0	1,600,233	0	0	697,898	65,661	5,334,444	163,195	253,448
Less:													
Encumbrances 6/30/95	1,129,501	23,572	0	0	0	406,406	0	0	18,568	0	680,955	0	0
Reappropriations 6/30/95	3,559,535	96	0	0	0	654,180	0	0	291,248	0	2,464,011	150,000	0
Available Working Capital 6/30/95	4,045,858	968,365	(372,019)	0	0	539,647	0	0	388,082	65,661	2,189,478	13,195	253,448
Total Refunds made during 1994-95:	522,165	(1,417)	10,121	0	0	(6,318)	0	31,072	26,735	23,328	414,440	7,404	16,800

MODESTO CITY COUNCIL
RESOLUTION NO. 95-462

A RESOLUTION ADOPTING THE COMPREHENSIVE
HOUSING AFFORDABILITY STRATEGY (CHAS)
PERFORMANCE REPORT FOR FISCAL YEARS 1993 AND
1994.

WHEREAS, the five-year Comprehensive Housing
Affordability Strategy (CHAS) adopted by the Council in 1993
requires the City to submit to HUD an Annual Performance Report
for Fiscal Years 1993 and 1994, and

WHEREAS, the Citizens Housing and Community Development
Committee considered the CHAS Performance Report at its September
22, 1995, meeting, and recommended adoption of said report as
reflected in the final version of said document,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Comprehensive Housing Affordability
Strategy (CHAS) Annual Performance Report for Fiscal Years 1993
and 1994, a copy of which is on file in the office of the City
Clerk, (October 1, 1993 through June 30, 1995) is hereby adopted
and approved for forwarding to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his
authorized designee, is hereby authorized to execute any and all
documents that might be required in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1993, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill , Dobbs, Friedman, Mcclanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO.95-463

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PURCHASE OF LIQUID SULPHUR DIOXIDE (SO2)

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

SECTION 1. The specifications for the purchase of Liquid Sulphur Dioxide (SO2), copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 16, 1995, at 11:00 A.M., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-464

A RESOLUTION ACCEPTING THE BID OF TORERO, INC. FOR THE PURCHASE OF SELF-PROPELLED LIFT FOR DISABLED AIRCRAFT PASSENGERS

WHEREAS, the bids received for Self-propelled lift for disabled Aircraft Passengers were opened at 11:00 AM on April 3, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Terero, Inc. in the amount of \$27,831.37, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Torero, 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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mutatore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-465

A RESOLUTION ACCEPTING THE BID OF L.K. COMSTOCK AND COMPANY INC. FOR CONSTRUCTION OF ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS)

WHEREAS, the bids received for Advanced Traffic Management System (ATMS) were opened at 2:00 P.M. on September 8, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of L.K. Comstock and Company Inc. in the amount of \$1,529,971 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of L.K. Comstock and Company, 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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-466**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE GRANT FUNDING FOR THE AUTOMATED TRANSIT MANAGEMENT SYSTEM (ATMS).

WHEREAS, The ATMS project will provide a state of the art system to control the City's traffic signals. The system involves innovative use of advanced traffic control and monitoring technologies. This part of the project will provide the communication backbone of the ATMS system.

WHEREAS, An agreement has been entered into with the California Department of Transportation, Federal Aid program. The department authorized an amount of \$1,374,676. This will be added to an existing account so that required match of \$174,314 will be available for this project.

Fund 141

Fund/Agy/Org		Increase (Decrease)
Expenditures		
141-160-C630-6040	Advanced Traffic Management System	\$1,374,676

		Increase (Decrease)
Revenue		
141-430-3504	Federal Share of Project	\$1,374,676

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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO.95-467

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$49,281 TO CONSOLIDATE FUNDS FOR THE CONSTRUCTION OF THE ADVANCED TRAFFIC MANAGEMENT SYSTEM PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Advanced Traffic Management System (141 160 F691)	\$49,281
TO:	Centralized Traffic Signal Control (141 160 C630)	\$49,281

The ATMS system will provide a state of the art system to control the City's traffic signals. The system involves innovative use of advanced traffic control and monitoring technologies. A fiber optic and twisted pair network will be installed from City Hall and our Electrical Shop to locations along several major streets within the city limits. The account from which the appropriation transfer is being requested is also for the ATMS project. The funds are being consolidated to one account to provide enough funding for the construction contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-468

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE CARPENTER ROAD
WIDENING PROJECT

WHEREAS, the bids received for the Carpenter Road widening project were opened at 2:00 PM on September 12, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction in the amount of \$146,460 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-469**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDING TO FULLY FUND THE CARPENTER ROAD WIDENING PROJECT.

WHEREAS, This project will widen Carpenter Road to 4 Lanes from Torrid Avenue to South of Cummins Drive. A second southbound lane will be added to accommodate traffic flow in the area. This project will add only the minimum amount of pavement needed to remove the existing bottleneck.

WHEREAS, this project was budgeted in the 1994-95 CIP. It is now necessary to add and additional \$40,500 to the project, these funds will be transferred from the pavement maintenance project.

WHEREAS, temporary storm drainage improvements will be installed. The improvements are designed to function until a positive storm drainage system is constructed in conjunction with full street improvements, scheduled for Summer 1997. The estimated cost of the drainage improvements is \$29,000. These funds will be transferred from the Storm Drainage Fund, Carpenter Road Storm Drainage Project, to the Gas Tax Fund Carpenter Road Widening Project.

WHEREAS, the following adjustments are necessary:

Gas Tax Fund 070

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-430-E936-6040	Carpenter Widen -Torrid/Blue Gum	\$69,500
070-430-E456-6040	Pavement Maintenance	(\$40,500)
Revenues		
070-700-7000-9628	Transfer In From Fund 628	\$29,000

Storm Drainage Fund 628

(Decrease)		
628-480-F747-6040	Carpenter Road Storm Drainage	(\$29,000)
628-700-7000-7070	Transfer out to Fund 070	\$29,000

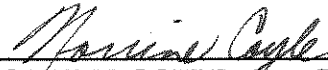
BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

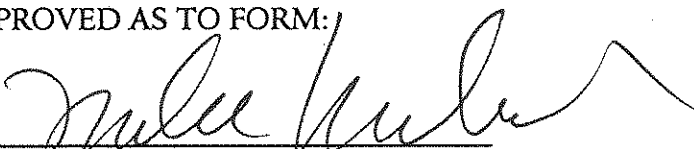
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-470

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE CARPENTER ROAD WIDENING PROJECT.

WHEREAS, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Carpenter Road Widening project might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report, that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-471

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF REMOTE TERMINAL UNITS (RTU'S) FROM HSQ TECHNOLOGY AND AUTHORIZE MULTI YEAR PROCUREMENTS THROUGH JUNE 1998

WHEREAS, the Del Este water well sites need to be integrated into our current SCADA system; and installing RTU's at each well site will enable the Del Este wells to be monitored by the current SCADA system.

WHEREAS, HSQ Technology will provide twenty RTU's that are compatible to the City's present SCADA system for \$107,375.

WHEREAS, the City will need to purchase an additional forty RTU's by June 1998.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twenty Remote Terminal Units (RTU's) from HSQ Technology for \$107,375 for fiscal year 95/96 is hereby waived.


BE IT FURTHER RESOLVED that authorization for multi year procurements through June of 1998 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-472

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONFIRM COSTS OF DEMOLISHING A BUILDING AT 620 BENSON AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 10, 1995, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of confirming costs of demolishing a structure at 620 Benson Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-473

A RESOLUTION WAIVING FORMAL CONSULTANT SELECTION PROCEDURES AND AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH MID-VALLEY ENGINEERING FOR REVISION OF THE VILLAGE ONE FACILITIES MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that waiving of formal consultant selection procedures and authorizing staff to negotiate a contract with Mid-Valley Engineering for revision of the Village One Facilities Master Plan be, and it is hereby approved.

BE IT FURTHER RESOLVED that the negotiation of said contract 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 26th day of September, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-474

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A HOUSEHOLD HAZARDOUS WASTE (HHW) DISCRETIONARY GRANT.

WHEREAS, the California Integrated Waste Management Board provides Household Hazardous Waste Discretionary Grants on a competitive basis to assist cities and counties in preventing illegal disposal of household hazardous waste (HHW), and

WHEREAS, the Council adopted the City of Modesto's Household Hazardous Waste Element in January, 1994, and

WHEREAS, the HHW Element identifies several short-term and medium-term goals and objectives, including a commitment to inform and encourage City residents to properly handle HHW, and

WHEREAS, these goals include providing curriculum materials to help students understand HHW hazards and how to make safe, alternative product choices, and

WHEREAS, the HHW Element also addresses general public education through multi-media campaigns, community events and gatherings, and

WHEREAS, City staff has recommended that the Council adopt a resolution approving the submittal of an application for a Household Hazardous Waste Discretionary Grant,

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 all necessary

applications, contracts, payment requests, agreements, and amendments thereto for submittal to the California Integrated Waste Management Board for a Household Hazardous Waste Discretionary Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-475

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING RELATING TO THE FORMATION AND OPERATION OF THE TURLOCK GROUNDWATER BASIN ASSOCIATION.

WHEREAS, City staff has been meeting with representatives from the County of Stanislaus, County of Merced, Del Este Water Company, Merced Irrigation District, Turlock Irrigation District, City of Ceres, City of Hughson, City of Turlock, Keyes Community Services District, Denair Community Services District, Hilmar County Water District, Delhi County Water District Ballico Community Services District, Eastside Water District, Ballico-Cortez Water District, and Turlock Irrigation District, and

WHEREAS, the purpose of these meetings has been to draft a Memorandum of Understanding (MOU) establishing an association that would draft a groundwater management plan, and

WHEREAS, the final number of participating agencies will be determined by the number of resolutions of intention passed by the various governing boards and the number of participants who sign the Memorandum of Understanding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding (MOU) relating to the formation and operation of the Turlock Groundwater Basin Association.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute said Memorandum of Understanding 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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION 95-476

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE INTERNATIONAL FESTIVAL COMMITTEE.

WHEREAS, on July 25, 1995, the City received a request from the International Festival Committee to provide it with additional funds to help financially support their annual event. The request was due to the fact that current economic conditions had forced former corporate supporters to withdraw or cut back their prior year financial support.

WHEREAS, on September 5, 1995 The Financial Policy Committee reviewed and recommended approval to the request by the International Festival Committee for additional financial support of \$1,500. The adoption of a resolution to amend the Fiscal Year 95-96 budget will entail appropriating \$1,500 from the General Fund Reserve to 010-360-3622-1047, Cultural Promotions, International Festival.

WHEREAS, the following adjustments are necessary:

General Fund 010

Fund/Agy/Org Revenue/Expenditures		Increase (Decrease)
010-360-3622-1047	Cultural Promotions, International Festival	\$1,500
010-800-8000-8003	General Fund Contingency Reserve	(\$1,500)

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 September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO.95-477

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AGUASCALIENTES, MEXICO TO ENTER INTO A SISTER CITIES RELATIONSHIP

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Aguascalientes, Mexico to enter into a sister cities relationship 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 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-478

A RESOLUTION NAMING THE TRAIL ALONG DRY CREEK
PARK THE "PEGGY MENSINGER TRAIL" IN THE CITY
OF MODESTO.

WHEREAS, City staff received a letter from Ecology
Action and G.O.A.L. requesting that a park feature or other
special place be named in honor of former Mayor Peggy Mensinger,
and

WHEREAS, Mrs. Mensinger served as a Councilmember
during the time that the City was acquiring land for Dry Creek
Park, and

WHEREAS, Mrs. Mensinger supported the acquisition of
said property for open space purposes, and

WHEREAS, said request was referred to the Human
Services Committee, and said Committee met on September 5, 1995,
and supported the request of Ecology Action and G.O.A.L., and
recommended the Dry Creek Park trail as a site for this action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Council desires to pay tribute to former
Mayor Peggy Mensinger for her many accomplishments and service as
a former City of Modesto Councilmember and Mayor, thus, the
Council hereby names the Dry Creek Park Trail the "Peggy
Mensinger Trail".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

W.L.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-479

A RESOLUTION APPROVING THE REQUEST BY KOSO,
INC., FOR DIRECT CITY ASSISTANCE FOR A
CHRISTMAS PARADE TO BE HELD ON DECEMBER 9,
1995, IN THE CITY OF MODESTO.

WHEREAS, KOSO, Inc., which operates B-93 FM radio in Modesto, by letter dated September 18, 1995, has requested Direct City Assistance to hold a Christmas Parade on December 9, 1995, in the City of Modesto, 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 Council deems it appropriate to grant approval for Direct City Assistance to KOSO, Inc., to hold a Christmas Parade on December 9, 1995, in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of KOSO, Inc., to hold a Christmas parade to be held on December 9, 1995, subject to the following conditions:

1. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 9:00 a.m. for use for the parade on Saturday, December 9, 1995, and will remove said reviewing stand thereafter.

2. The following parade route is approved as the parade route to be used on Saturday, December 9, 1995, subject to approval of the Police Chief and Public Works and Transportation Director: starting at 10th and "F" Streets, north on 10th Street to "I" Street, east on "I" Street to 17th Street; then dismantle.

3. The City Public Works and Transportation Department will supply two (2) street sweepers for the parade.

4. The City of Modesto will provide two (2) Equestrian Police Officers, ten (10) Reserve Officers, and nine (9) Motor Officers to maintain traffic control along the parade route.

5. The City Public Works and Transportation Department will provide two hundred (200) barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

6. KOSO, Inc., 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 KOSO, Inc., parade.

7. KOSO, Inc., shall furnish to the City Clerk of City a current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect KOSO, Inc., and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the

KOSO, Inc., Christmas parade. Said insurance certificate shall be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish KOSO, Inc., with a copy of this resolution. KOSO, Inc., shall file a written acceptance of this resolution 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 26th day of September, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-480

A RESOLUTION ORDERING THE DESIGNATION OF AN AREA OF BENEFIT AND THE ESTABLISHMENT OF THE AMOUNT OF THE FACILITIES BENEFIT ASSESSMENT AGAINST EACH PARCEL WITHIN THE AREA OF BENEFIT RELATING TO PUBLIC FACILITIES DISTRICT NO. 9. POUST/MC DONALD CANAL CROSSING.

WHEREAS, pursuant to Section 7-1.804 et seq., on September 5, 1995, the Council adopted Resolution No. 95-443, which stated the Council's intention to establish Public Facilities District No. 9. for the purpose of financing the Poust Road and the McDonald Avenue Canal Crossing (MID Lateral No. 9) intersection in the City of Modesto, and

WHEREAS, the Engineer of work for the proceedings has filed an Engineer's Report with the City Clerk, as required by Section 7-1.805 of the Modesto Municipal Code, for the purpose of establishing Public Facilities District No. 9, and

WHEREAS, said Resolution No. 95-443 gave notice as required by Section 7-1.806 of the Modesto Municipal Code and set October 3, 1995, at the hour of 7:00 p.m., in the Council Chambers, 801 11th Street, Modesto, California, as the time and place for hearing all persons interested in or objecting to the designation of the area of benefit relating to the proposed establishment of Public Facilities District No. 9, and

WHEREAS, the City Clerk has caused to be published in full in the Modesto Bee, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing

and by mailing copies of said resolution of intention to the owners of the properties located within the proposed area of benefit at the addresses shown on the last equalized assessment roll, or as otherwise known to the City Clerk, and

WHEREAS, said duly noticed hearing was held by the City Council on October 3, 1995, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

WHEREAS, the Council heard and considered all the evidence, both oral and documentary, and there were no protests against the proposed facilities project, the extent of the area of benefit, the amount of the facilities benefit assessments proposed to be levied within the area of benefit, or any or all of the foregoing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby orders the designation of an area of benefit and the establishment of the amount of the facilities benefit assessment against each parcel within the Area of Benefit relating to Public Facilities District No. 9, Poust/McDonald Canal crossing, as follows:

- (a) That a definitive description of the public facilities project, the cost of which is to be charged to the properties located within the area of benefit, is as follows:

Construction of an 80 foot wide by approximately 180 foot long canal crossing of Modesto Irrigation (M.I.D.) Lateral 3 at the intersection of Poust Road and McDonald Avenue.

The total anticipated cost of \$299,098 ('95 dollars) shall be equally divided between the City and development within the designated benefit area. Therefore, of the 115 net acres (177 gross

acres), a cost of \$0.0298 per square foot of net property shall be assessed at time building permit is issued for new home or new business construction.

- (b) A capital program with respect to the public facilities project is established as follows:

That construction of the proposed improvements would not begin until at least 50% of the area of benefit has contributed through the building permit process and increased traffic usage warrants the construction.

The City's share, \$149,549, will be paid from the local gas tax and up to an additional \$74,775 will be advanced by the City to construct the crossing. The \$74,775 will be recovered by the City as the remainder is developed.

- (c) The boundaries of the area of benefit are as set forth in the following description:

All that real property in the State of California, County of Stanislaus, being a portion of Sections 13 and 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the SW corner of the SE 1/4 of the NW 1/4 of said Section 24, said point being on the centerline of Blue Gum Avenue at the southerly extension of the west line of Poust Road; thence West along said 1/4 Section line, also being the centerline of Blue Gum Avenue 1320 feet, more or less, to the West 1/4 Section Corner of said Section 24; thence North along the west line of said Section 24 a distance of 2640 feet, more or less, to the northwest corner of Section 24; thence North along the west line of Section 13 a distance of 1320 feet, more or less, to the 1/16 corner of Section 13; thence East along the 1/16 line 2587 feet, more or less, to the southwesterly line of Brink Avenue; thence Southeasterly along the southwesterly line of Brink Avenue 87 feet, more or less, to the intersection of the southwesterly line of Brink Avenue with the N-S 1/4 Section line of Section 13; thence South along said 1/4 Section line 1260 feet, more or less, to the centerline of Shoemake Avenue said point also being the South 1/4 corner of said section 13; thence West along the centerline of Shoemake

Avenue 338 feet, more or less, to the northerly extension of the west line of the Yosemite Junior College District Property as shown on Record of Survey Volume 12, Page 74, Stanislaus County Records; thence South on said west line 617 feet, more or less, to the centerline of MID Lateral No. 3 a distance of 1261 feet, more or less, to the N-S 1/16 line of Section 24 also being the northerly extension of the west line of Poust Road; thence South along said N-S 1/16 line 1355 feet, more or less, to the point of beginning.

- d) That the method by which the costs are to be apportioned among the parcels within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel is as follows:

Each property shall be assessed \$0.0298 per net square foot of property (exclude dedications for streets, parks, etc.). This net square footage can be determined only at the time of building permit application when all the dedications have been recorded.

- (e) That the basis and methodology by which automatic increases in the facilities benefit assessment will be computed, assessed and levied, shall be as follows:

The assessed fee shall be adjusted annually with the "Building Cost Index, Cost Indexes ENR 20 Cities", first publication in the month of April as published by the "Engineer News Record". The base year will be April 1995 with an index of 3100.22. The following formula is used to adjust the fee.

$$\frac{\text{April 95 Cost } (\$0.0298)}{3100.22} \times \text{April B.C.I. for year} = \text{new cost}$$

- (f) The amount of the contribution or advance, if any, which the City or other public entity will make toward the total cost shall be as follows:

The City's contribution shall be 50% of the total cost (\$149,549) and the City shall advance at most 50% of the developers' share (\$74,775).

BE IT FURTHER RESOLVED by the Council of the City of

Modesto as follows:

(a) The City Manager shall have prepared a map or diagram of the boundaries of the area of benefit as established by this resolution and file the same with the City Clerk. The map or diagram shall be labeled and shall contain the legends set forth in Section 7-1.810(a) of the Modesto Municipal Code.

The City Clerk shall file a copy of the map or diagram referred to in this subparagraph (a) in the office of the County Recorder of the County of Stanislaus.

(b) After recording the map or diagram referred to in Section 7-1.810, the City Clerk shall execute and record a notice of assessment in the office of the County Recorder of Stanislaus County in the form set forth in Section 7-1.810(b) of the Modesto Municipal Code.

(c) From the date of the recording of the Notice of Assessment in accordance with the provisions referred to in the previous subparagraph (b), all persons shall be deemed to have notice of the contents of such assessment. Immediately upon such recording in the office of the County Recorder, each of the assessments shall be a lien upon the property against which it is made.

BE IT FURTHER RESOLVED that pursuant to Section 7-1.811 of the Modesto Municipal Code, after the adoption by the City Council of this resolution of designation, no building permits shall be issued for development on any land included within the area of benefit unless and until the facilities benefit

assessments established by this resolution of designation for such lands have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1995, by Councilmember Cogdill, 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:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-481

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR WATERLINE OVERLAYS

WHEREAS, the bids received for waterline overlays were opened at 2:05 p.m. on September 19, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of George Reed, Inc., in the amount of \$126,666.66, 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 3rd day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-482

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$72,000.00 TO FULLY FUND THE WATERLINE OVERLAYS PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	Claus Road Waterline - Briggsmore to Sylvan (612 480 C181 6000)	\$72,000
TO:	Waterline Overlays (612 480 E594 6000)	\$72,000

Additional funding is required due to the need to overlay both east and west bound lanes of Sylvan Avenue. The original engineer's estimate included the overlay of just the west bound lane. Placing an asphalt overlay on the west bound lane only would create a ridge in the riding surface of the oncoming traffic. Since the speed limit is 55 mph and the lane widths are 11 feet each, the scope of the project was increased to overlay both sides of the street, thereby eliminating a potential traffic hazard.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-483


A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BLACK AND VEATCH FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR DESIGN OF CANNERY SEGREGATION PHASE I, REPLACEMENT OF EMERALD TRUNK SEWER, AND PRIMARY WATER QUALITY CONTROL PLANT HEADWORKS AND GRIT REMOVAL FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Black and Veatch for preparation of plans and specifications for design of Cannery Segregation Phase I, replacement of Emerald Trunk Sewer, and Primary Water Quality Control Plant Headworks and Grit Removal Facilities 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 3rd day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-484

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE TO PROVIDE FUNDING TO THE CONVENTION AND VISITORS BUREAU FOR THE 1995-96 FISCAL YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Chamber of Commerce to provide funding to the Convention and Visitors Bureau for the 1995-96 fiscal year 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 3rd day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-485

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1995-96 TO ESTABLISH A REVENUE
ACCOUNT AND MOVE MONIES FROM TRUST.

WHEREAS, it has been determined that certain adjustments
are required to the Annual Budget of the City of Modesto to move
monies from trust into a revenue account.

NOW, THERFORE, BE IT RESOLVED by the Council of the City of
Modesto that the 1995-96 Annual Budget be amended as follows:

STRATEGIC PLANNING ORGANIZATION
APPROPRIATION/REVENUE ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Revenues:				
010-140-1430-4058	Developer's Share of Project	0	3,000	3,000
Appropriations:				
010-140-1430-1401	Fairview Village	0	3,000	3,000

BE IT FURTHER RESOLVED that the Director of Finance is hereby
authorized 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 October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-486

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER A
TRANSFER OF THE LICENSE OF GILTON SOLID WASTE MANAGEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that
October 17, 1995, at 7:00 p.m., in the Council Chambers, City Hall, 801
Eleventh Street, Modesto, California, is hereby set as the time and
place for a hearing to consider a transfer of the license of Gilton
Solid Waste Management.

The foregoing resolution was introduced at a regular meeting of
the Council of the City of Modesto held on the 3rd day of October, 1995,
by Councilmember Friedman, who moved its adoption, which motion being
duly seconded by Councilmember McClanahan, was upon roll call carried
and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

clerk (5)

MODESTO CITY COUNCIL
RESOLUTION NO. 95-487

A RESOLUTION ADOPTING SPECIFIC PLAN AMENDMENT NO. 7 TO THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE.

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, 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 for the purpose of adoption of 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 for the purpose of improving 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 for the purpose of rewriting and reorganizing the Plan to be 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 #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 for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of 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 which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, 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 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, on September 6, 1995, the City's Environmental

Assessment Committee reviewed the proposed Specific Plan Amendment No. 7 and made the determination that it was within the Scope of the 1990 Program EIR as revised by the Final Supplemental Program EIR of May 24, 1994, and

WHEREAS, the Planning Commission held a public workshop on September 11, 1995, to consider and study the proposed Specific Plan Amendment No. 7, and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 25, 1995, in the City Council Chambers, 801 11th Street, Modesto, California, to receive evidence both oral and documentary regarding the proposed Specific Plan Amendment No. 7, and

WHEREAS, a staff report entitled "Village One Specific Plan Amendment No. 7", a copy of which report is on file in the Office of the City Clerk, recommends a series of comprehensive amendments as recommended in an April 11, 1995, Village One Feasibility Study by the Planning Center and Whitney Research Group, a copy of which study is on file in the Office of the City Clerk, and

WHEREAS, after considering public comments, the Planning Commission, by its Resolution No. 95-18, recommended to the City Council the adoption of the proposed Village One Specific Plan Amendment No. 7, dated August 22, 1995, to reduce costs and to implement recommendations of the consultant study to increase the marketability of development within the Village One area, and

WHEREAS, the City Council held a duly noticed public hearing to consider Village One Specific Plan Amendment No. 7 as recommended by the Planning Commission,

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

SECTION 1. That the proposed amendments to the Village One Specific Plan have been determined to be within the scope of the Final Supplemental Program EIR.

SECTION 2. That the City Council has reviewed and considered the proposed Specific Plan Amendment No. 7 as recommended by the Planning Commission, which are identified as follows:

- (a) Realignment of the connector street system in a rectilinear fashion to more closely follow property lines.
- (b) Deletion of a connector street segment between the Merle Avenue and Briggsmore Avenue Expressway.
- (c) Modification of the major and minor arterial, connector and residential street cross-sections and rights of way.
- (d) Redefinition of limitations on vehicular access from single-family lots along connector and arterial streets.
- (e) Reconfiguration of the Village Center.
- (f) Increase the flexibility of the Village Center development policies.
- (g) Implementation of cost savings measures.
- (h) Increase the flexibility of the residential development policies.
- (i) Elimination of exhibits that are too detailed.

SECTION 3. That the amendment to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts said Specific Plan Amendment No. 7 to the Village One Specific Plan, to reduce costs and to implement recommendations of the consultant study to increase the marketability of development within the Village One area. A copy of said Specific Plan Amendment No. 7 set forth in detail 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 10th day of October, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

VILLAGE ONE SPECIFIC PLAN
AMENDMENT NO. 7
Strategic Planning Division, Community Development Department
August 22, 1995

1. Background to the Amendment

On October 16, 1990, the City Council approved the Village One Specific Plan. There have been six amendments since. In spite of five years' opportunity for development since that time, only one subdivision map has been filed.

Earlier this year, the City Council approved a contract with the Planning Center and Whitney Research Group to critique the Plan and make recommendations for amendment to facilitate development. On April 11, 1995, the City Council received a "Village One Specific Plan Feasibility Study" prepared by the consultants.

On May 2, 1995, the City Council received a staff-prepared response to the Feasibility Study in the form of recommendations on 18 issues entitled "Implementation Plan". Additional suggestions were made by the public and on June 6, 1995. The City Council directed that these suggestions be considered and folded into the Implementation Plan.

On August 22, 1995, the City Council Community Development and Housing Committee received a second staff report, "Implementation Plan No. 2", and made recommendation of what provisions should be considered for this Specific Plan Amendment No. 7 (SPA 7). Implementation Plan No. 2 consolidated the 18 issues of the 5/2/95 report and several raised since into 7 broad issues. It provides the background behind the changes recommended in this report.

2. Project Description

This SPA 7:

- a. Proposes rectilinear alignments for the connector street system to more closely follow property lines.
- b. Deletes a connector street segment between Merle Avenue and the Brigsmore Avenue Expressway.
- c. Modifies the major and minor arterial, connector, and residential street cross sections and rights-of-way.
- d. Identifies the development implications of limitations on vehicular access from single-family lots along connector and arterial streets.
- e. Reconfigures the Village Center and places the retail/office portion on one of three undeveloped or underdeveloped 40-acre corners at Roselle Avenue and Floyd Avenue.

- f. Increases the flexibility of the Village Center policies.
- g. Implements a number of cost-saving measures.
- h. Increases the flexibility of the residential development policies.
- i. Eliminates exhibits that are too detailed.

These proposals are the basis for this SPA 7. Where there is conflicting wording and graphics in the adopted Village One Specific Plan (SPA 6) with SPA 7, SPA 7 will prevail. The intention is to follow through with the specific wording and graphic changes later.

3. SPA 7 Proposals

A. Rectilinear Alignments for the Connector Street System to More Closely Follow Property Lines

1. Proposal

Approval of the attached map as guidance for the general location of connector streets.

2. Sample of Implications

Modification of the base maps in the current Specific Plan; modification of Precise Plan Area maps.

B. Creation of Three Cross Sections for Connector Streets

1. Proposal




Approval of the attached map as the generalized location of three types of connector streets and approval of their cross sections: 70', 64', 56'.

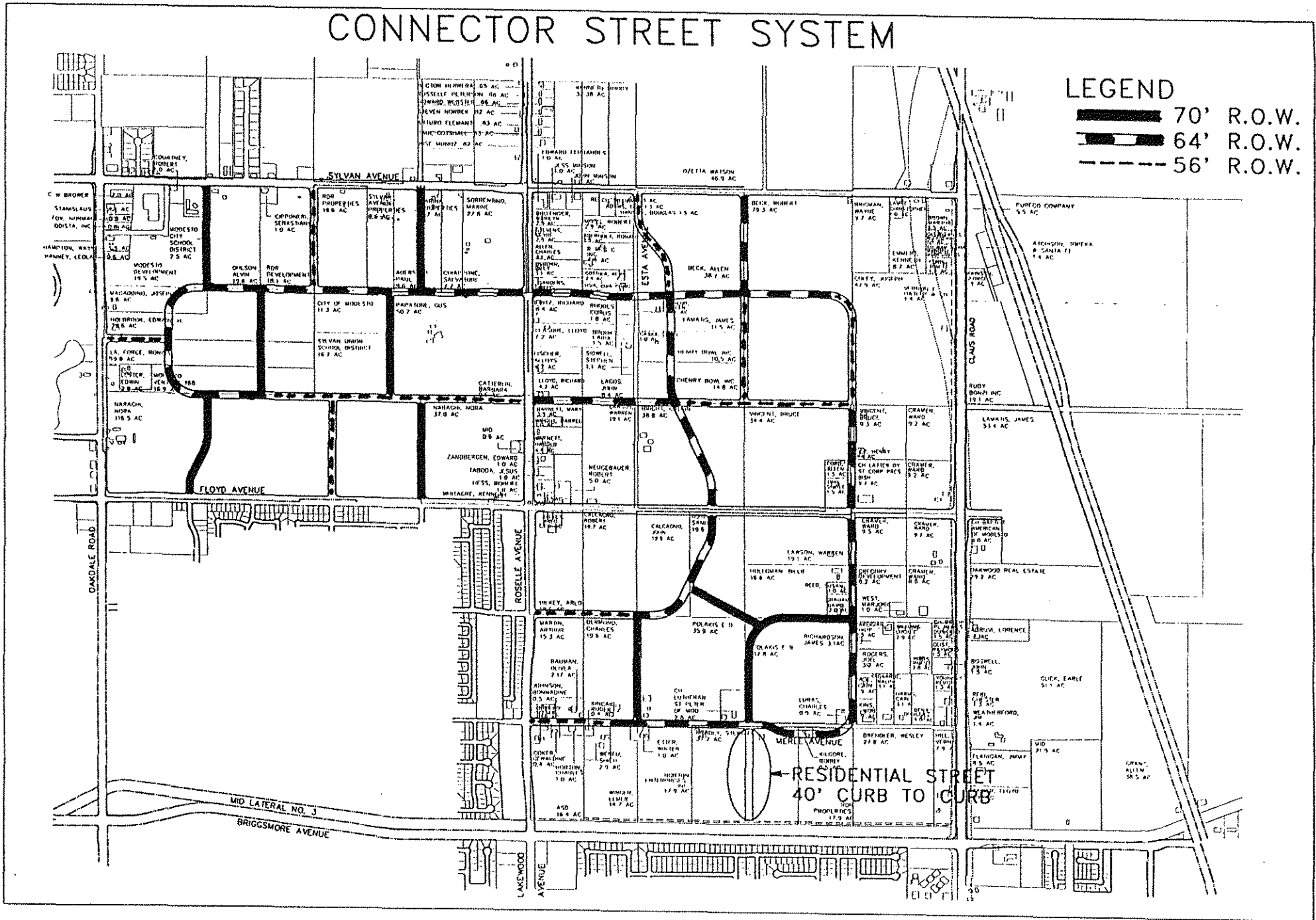
2. Sample of Implications

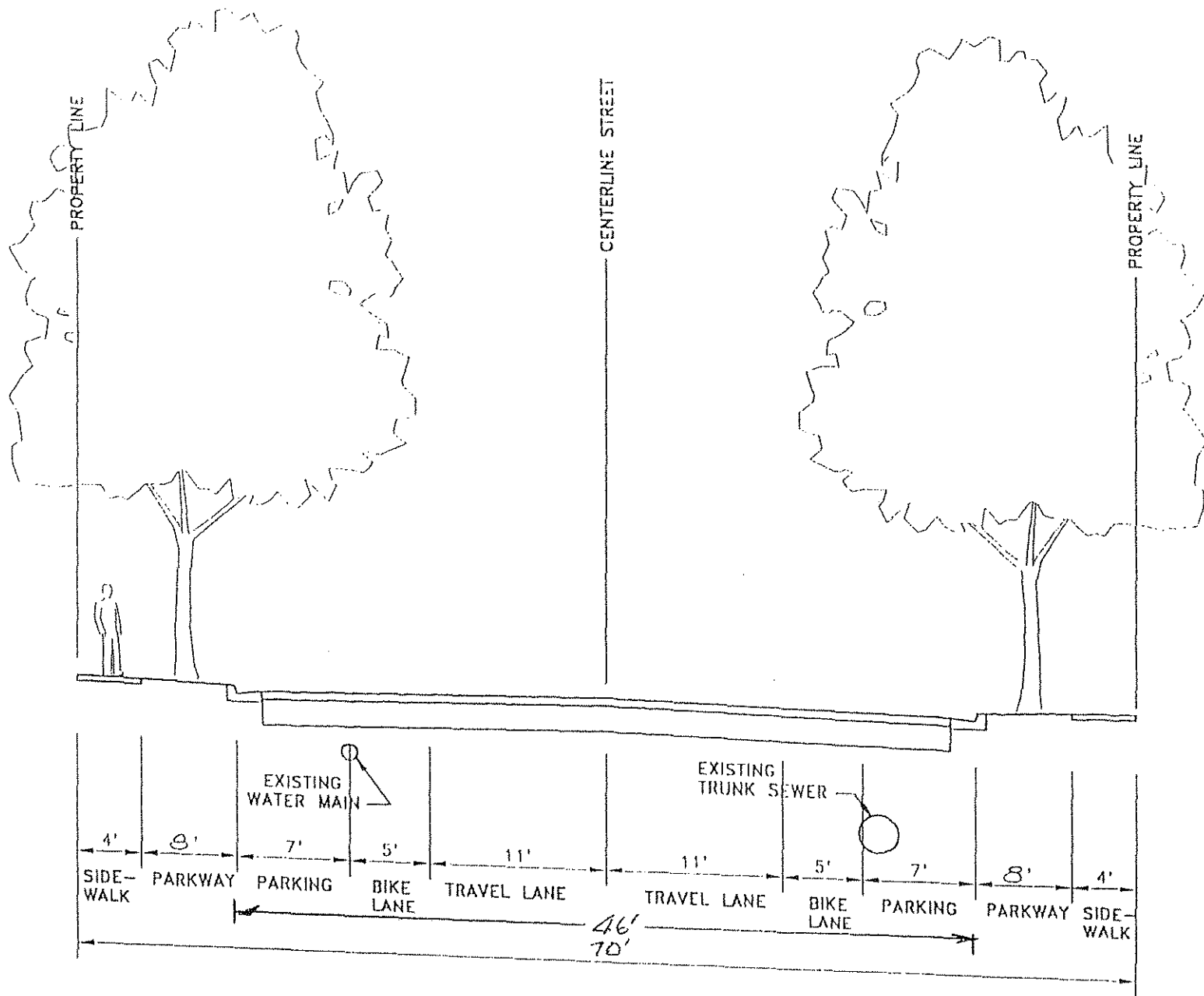
Modification of Precise Plan Area maps; additional acreage added to most Precise Plan Areas.

CONNECTOR STREET SYSTEM

LEGEND

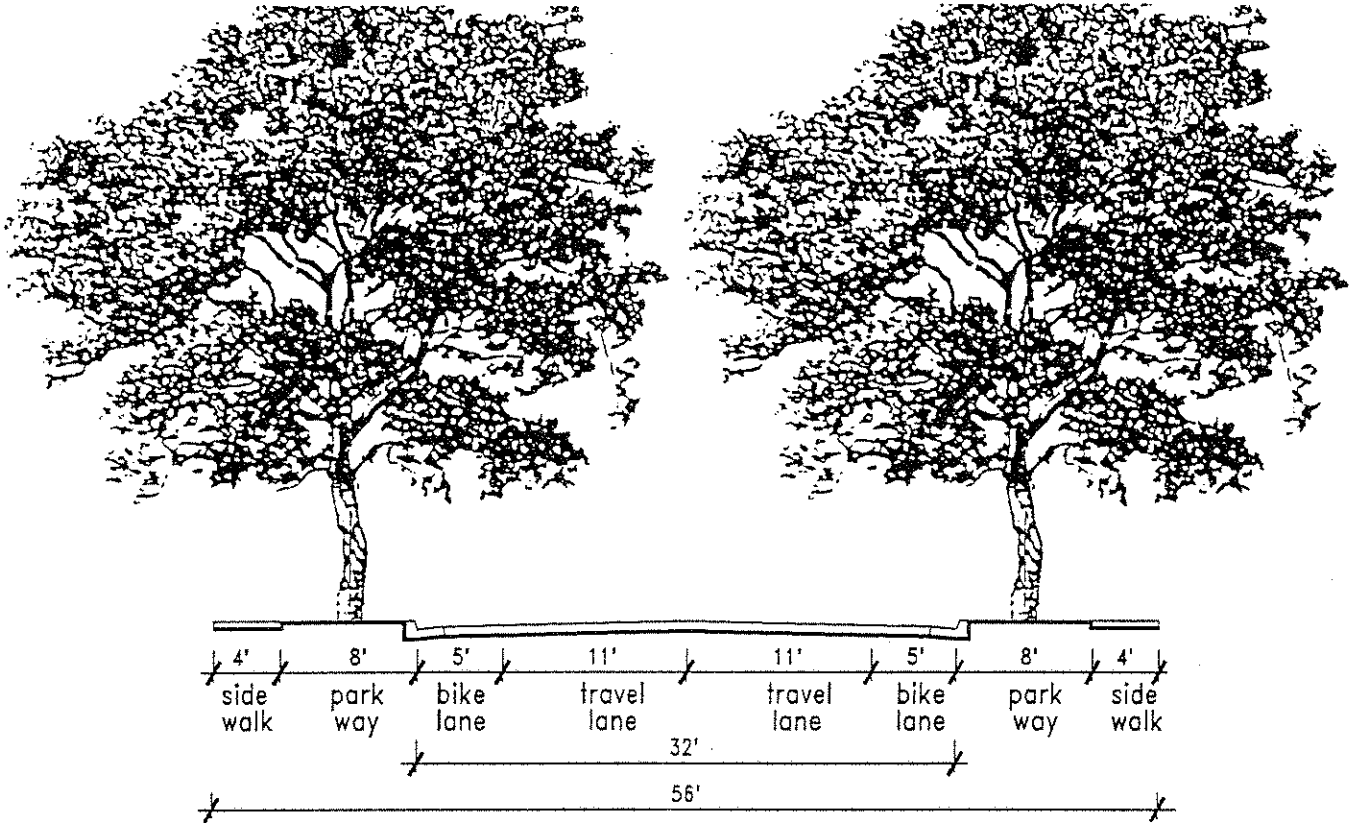
-  70' R.O.W.
-  64' R.O.W.
-  56' R.O.W.





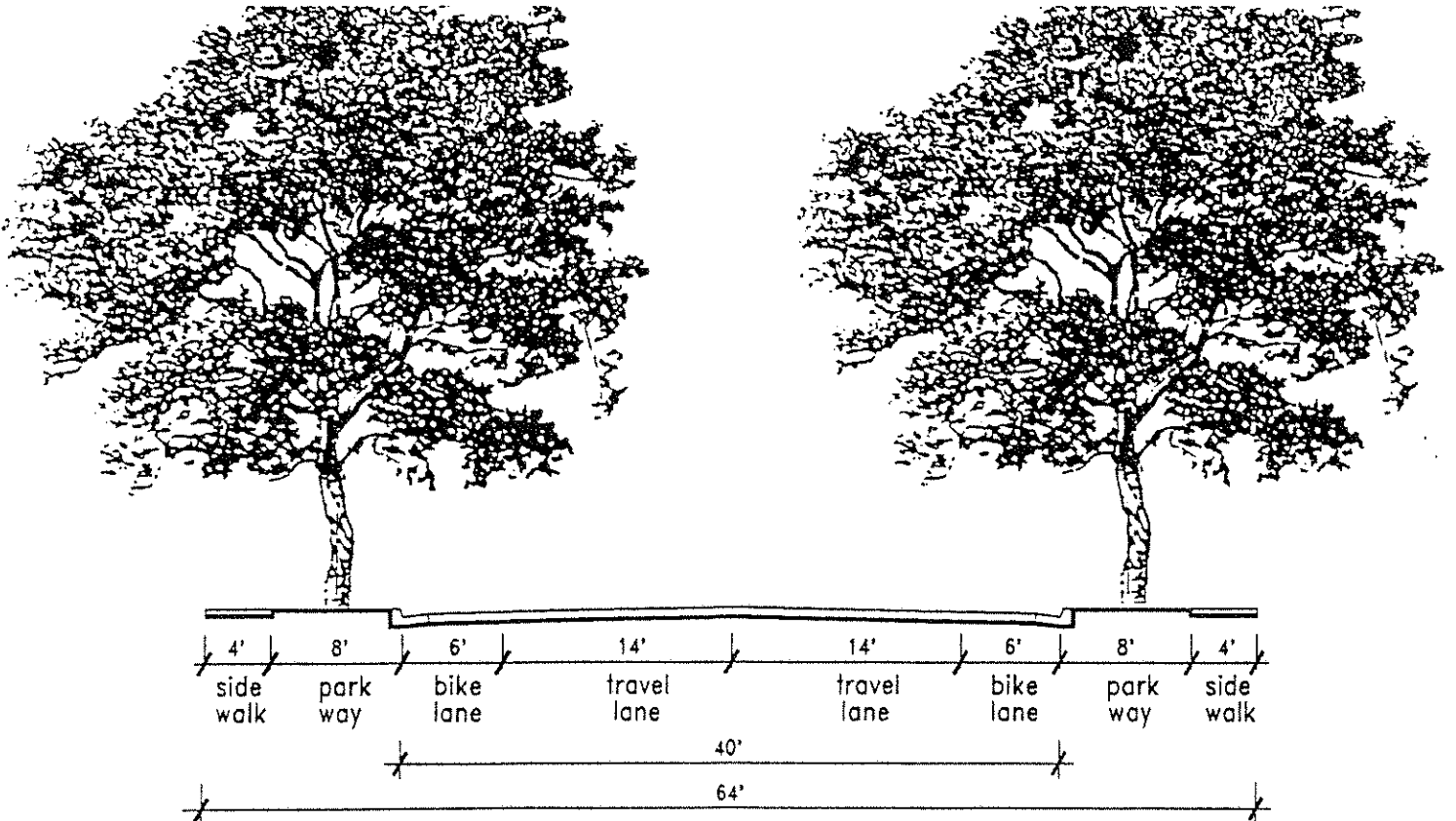
70' NEIGHBORHOOD CONNECTOR

56' & 64' CONNECTOR STREETS



56' Connector Street

No access to Single Family Lots, No Parking Lanes



64' Connector Street

No access to Single Family Lots, No Parking Lanes

C. To be Added - Examples of Three Development Options for Single-Family Homes Along 56'- and 64'-Wide Connector Streets

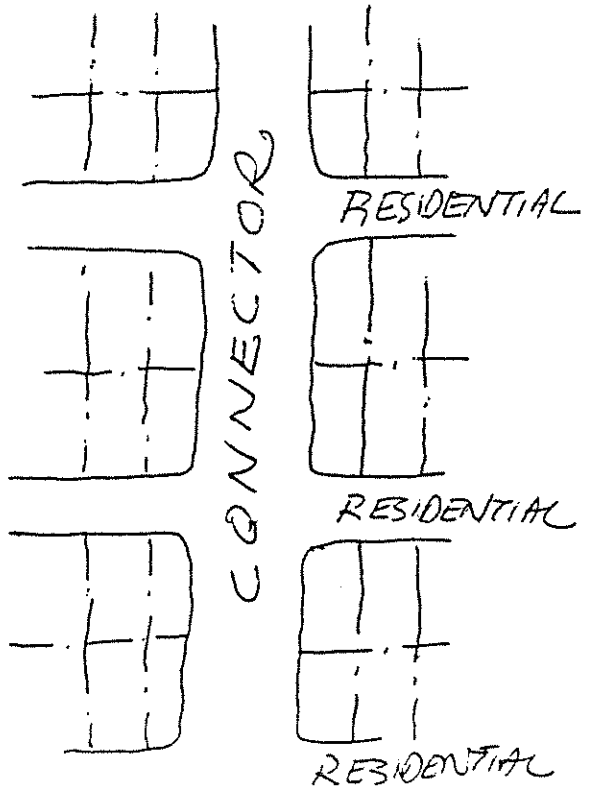
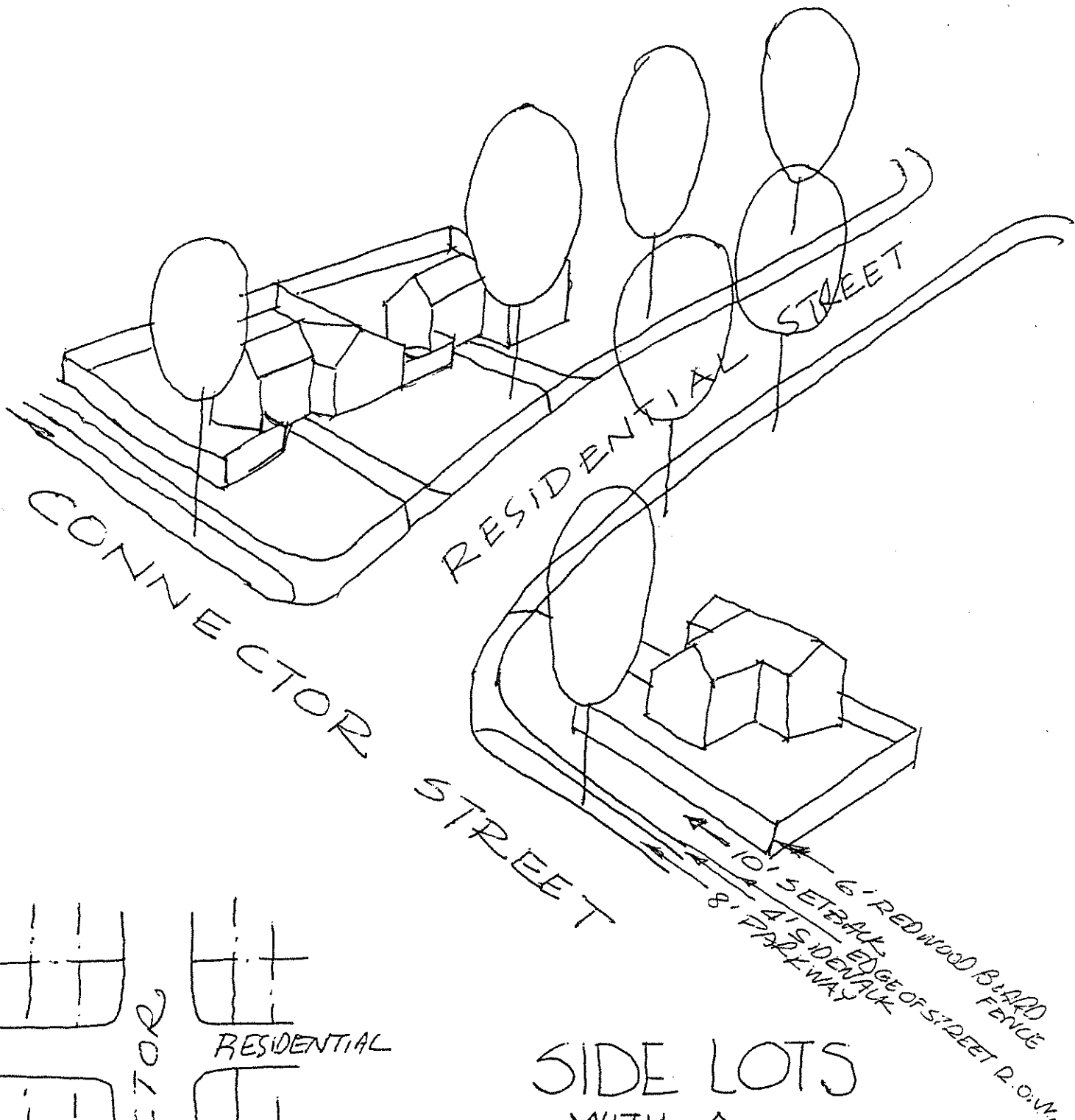
1. Proposal

Approval of the attached graphics. They are:

- Option One - direct frontage lots with access to garages via rear alleys maintained by a maintenance district.
- Option Two - side lots with a residential grid. If houses are fronted on both streets at a corner, owners maintain landscaping. If they don't, as shown, 10' landscape strip dedication to the City and a maintenance district are needed.
- Option Three - side-on lots with a 10' landscape strip dedication to the City and a landscaping maintenance district along the connector street are needed.

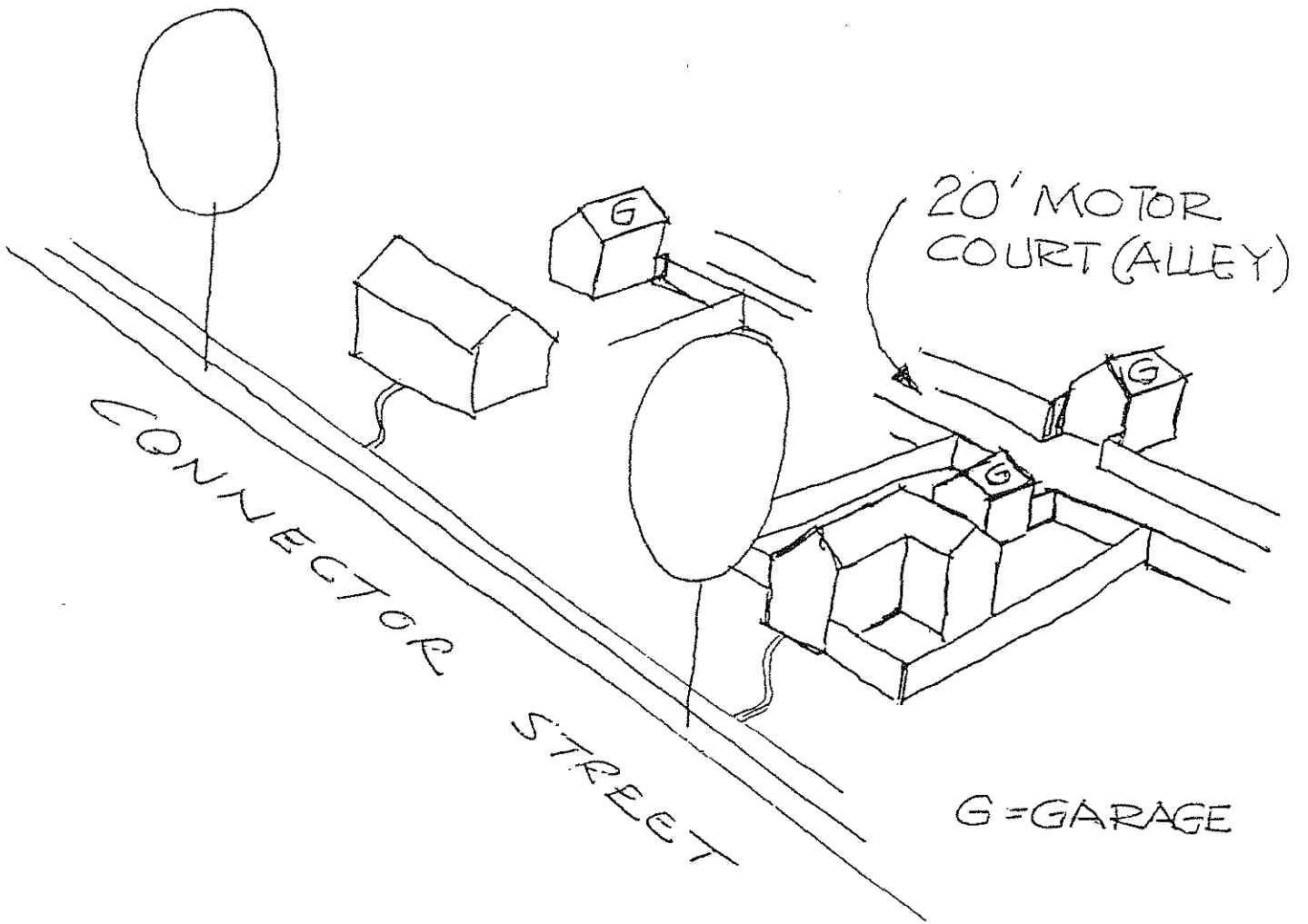
2. Sample of Implications

Only slight text modification.

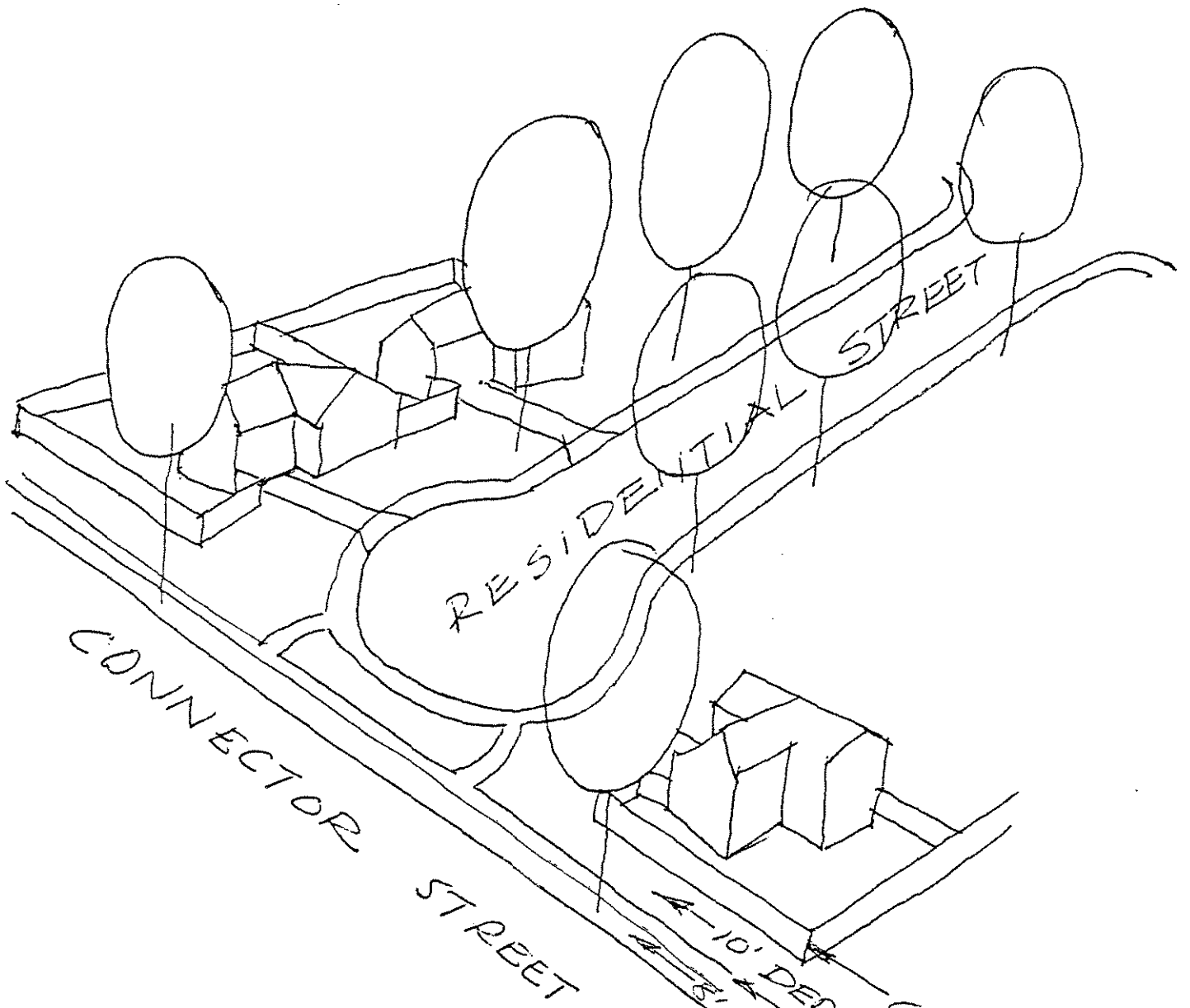


SIDE LOTS WITH A RESIDENTIAL GRID

- IF HOUSES ON CORNERS NOT FENCED OFF FROM CONNECTOR STREET, PROPERTY OWNER MAINTAINS 8' PARKWAY & 10' SETBACK
- IF FENCED OFF AS SHOWN - 10' SETBACK IS DEDICATED TO CITY; LANDSCAPE DISTRICT MAINTENANCE OF SIDEWALK AND 10' SETBACK



DIRECT FRONT
VEHICULAR ACCESS TO REAR



SIDE-ON LOT
WITH
CUL-DE-SAC

- ← 10' DEDICATION
- ← 8' PARKWAY
- ← 6' REDWOOD BOARD FENCE
- ← EDGE OF STREET P.O.V.
- ← SIDEWALK
- LANDSCAPE DISTRICT (MIN. INTENTANCE (EXCEPT STREET TREES))

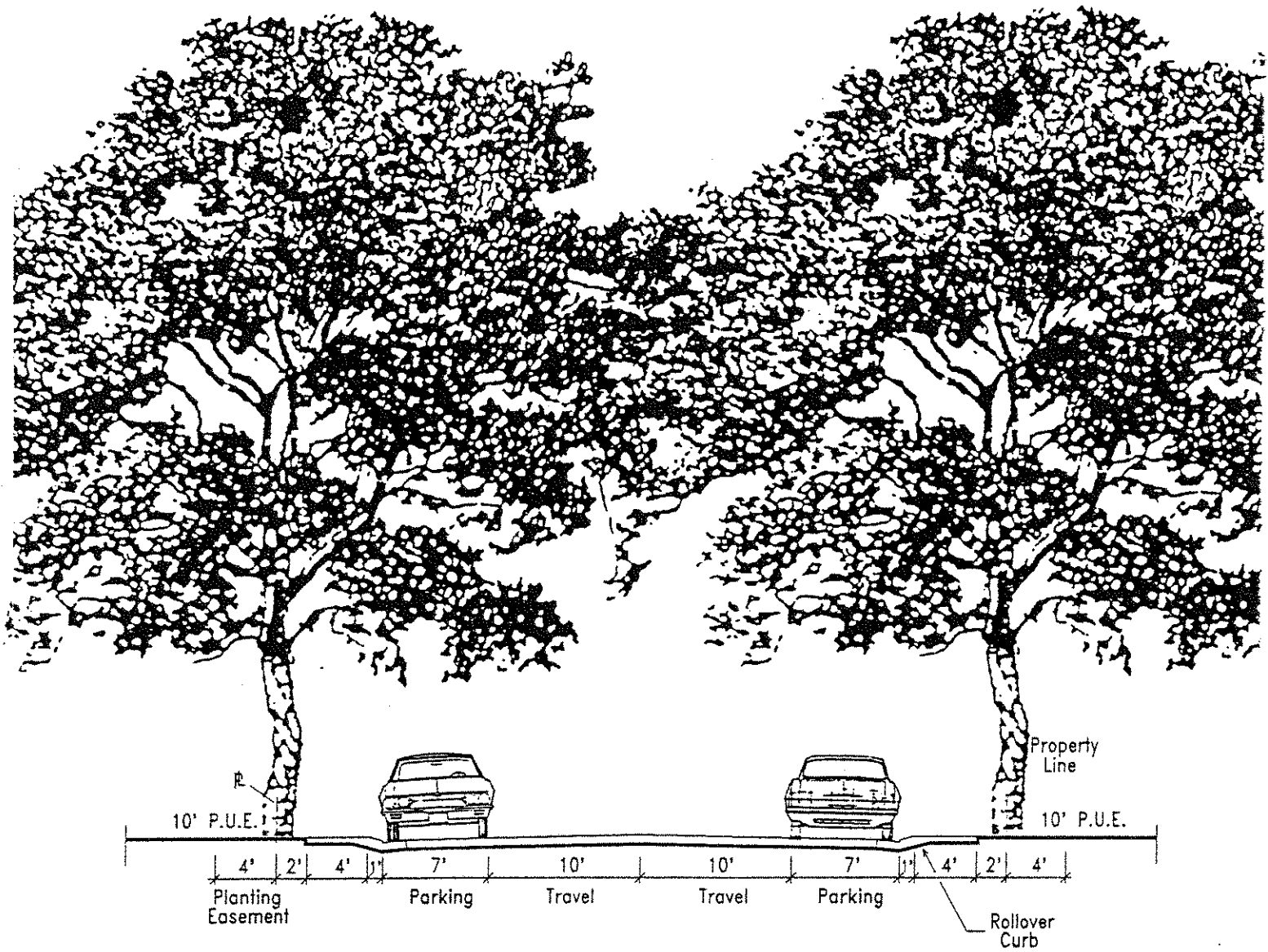
E. Add a 48'-Wide Residential Street Option; Modify the Three Residential Street Options

1. Proposal

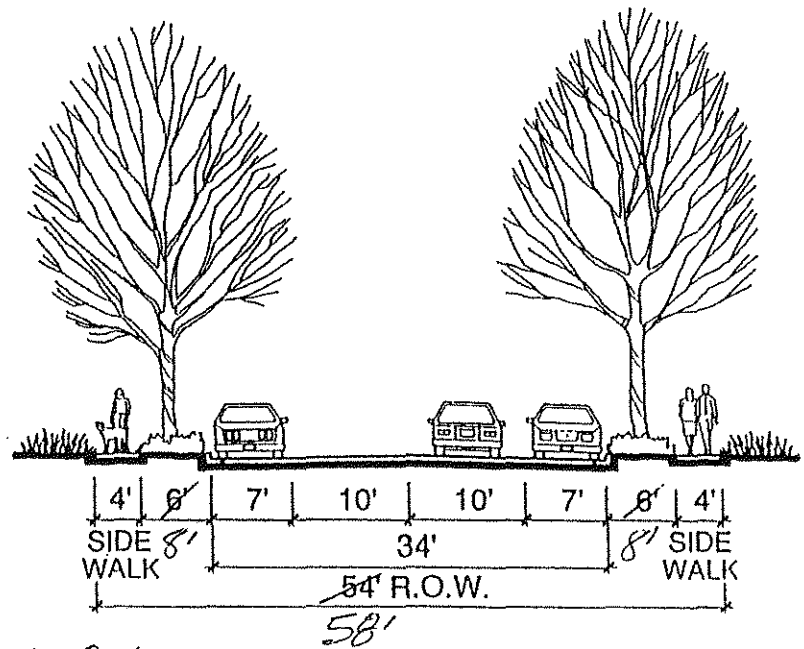
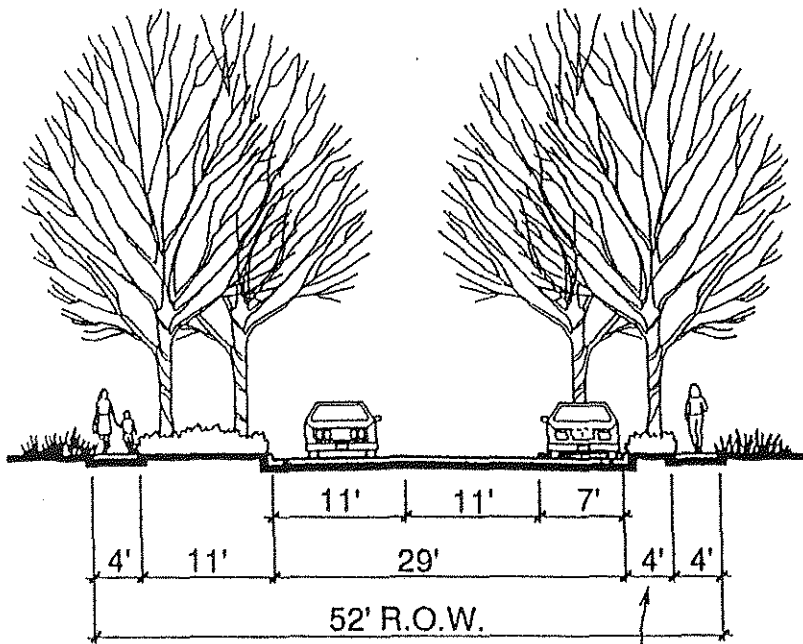
Approval of the attached 48'-wide residential street option; approval of modifications to three other residential street options: 58', 53', 52'.

2. Sample Implications

Only slight text modification.



Minor Residential Street: 48' right-of-way, 2 Lanes



Alternate

1 Minor Residential Street: 52' Right-of-way, 2 Lanes

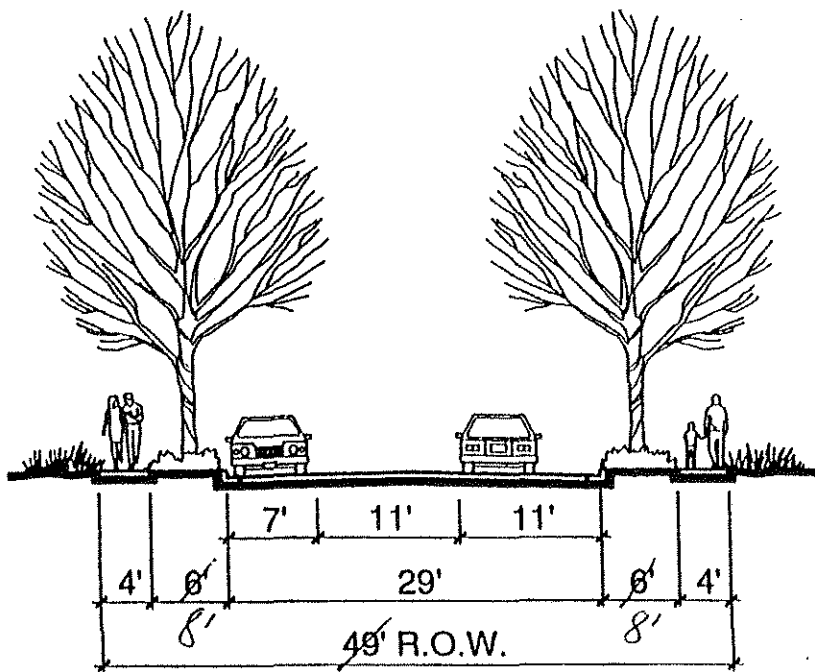
Ornamental Species Only

Alternate

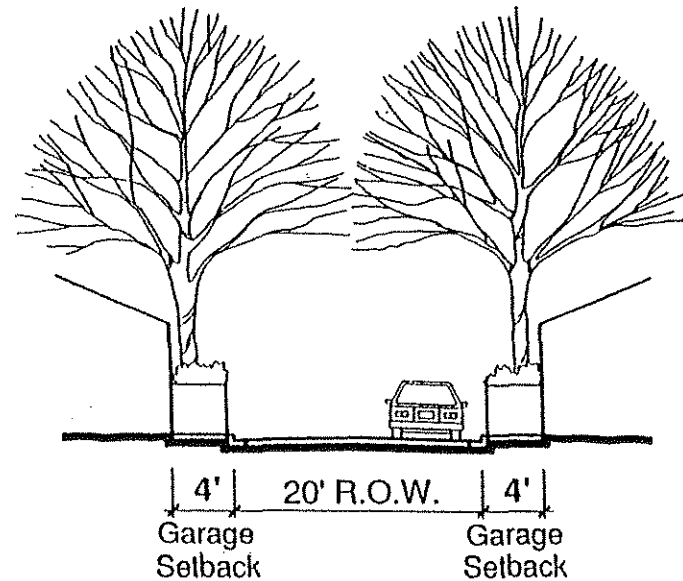
Standard Neighborhood Street: 54' Right-of-way 2 Lanes

58'

FIGURE II-9 *Alternate*
Neighborhood Streets Cross Sections

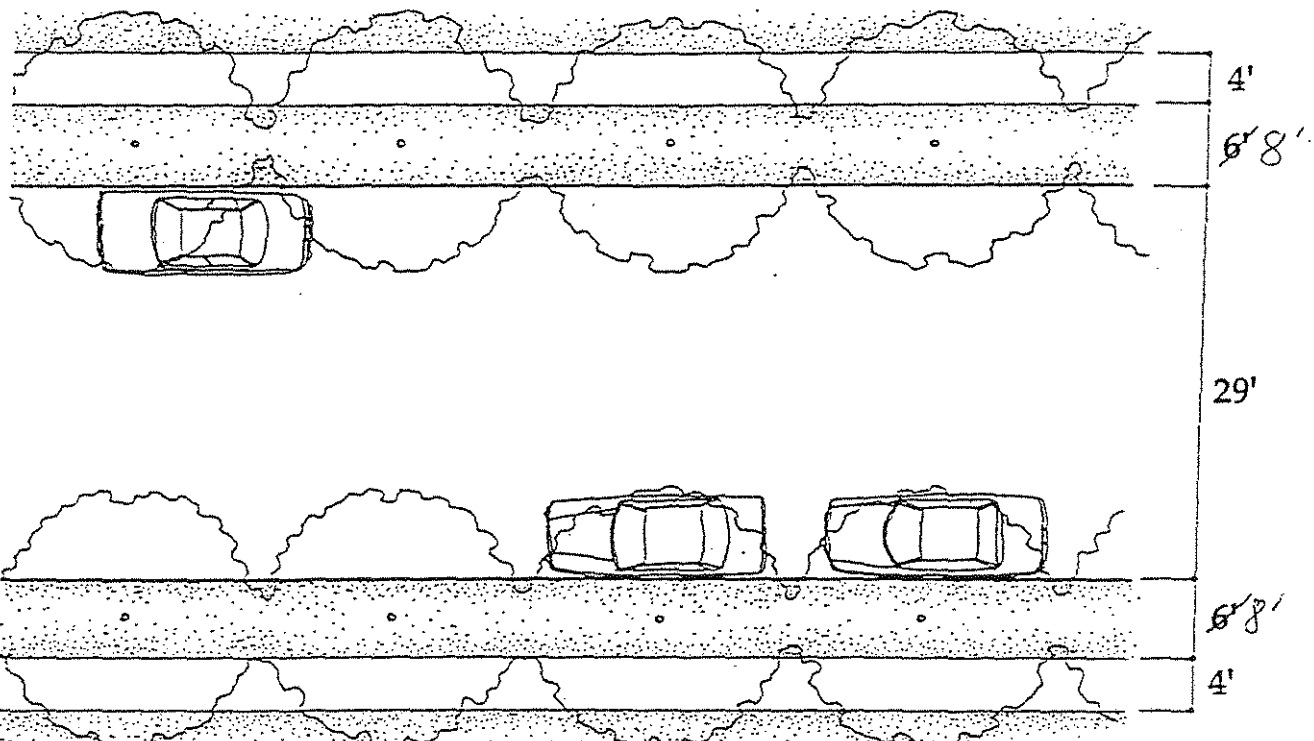


Alternate
 Minor Residential Street: 49' Right-of-way, 2 Lanes

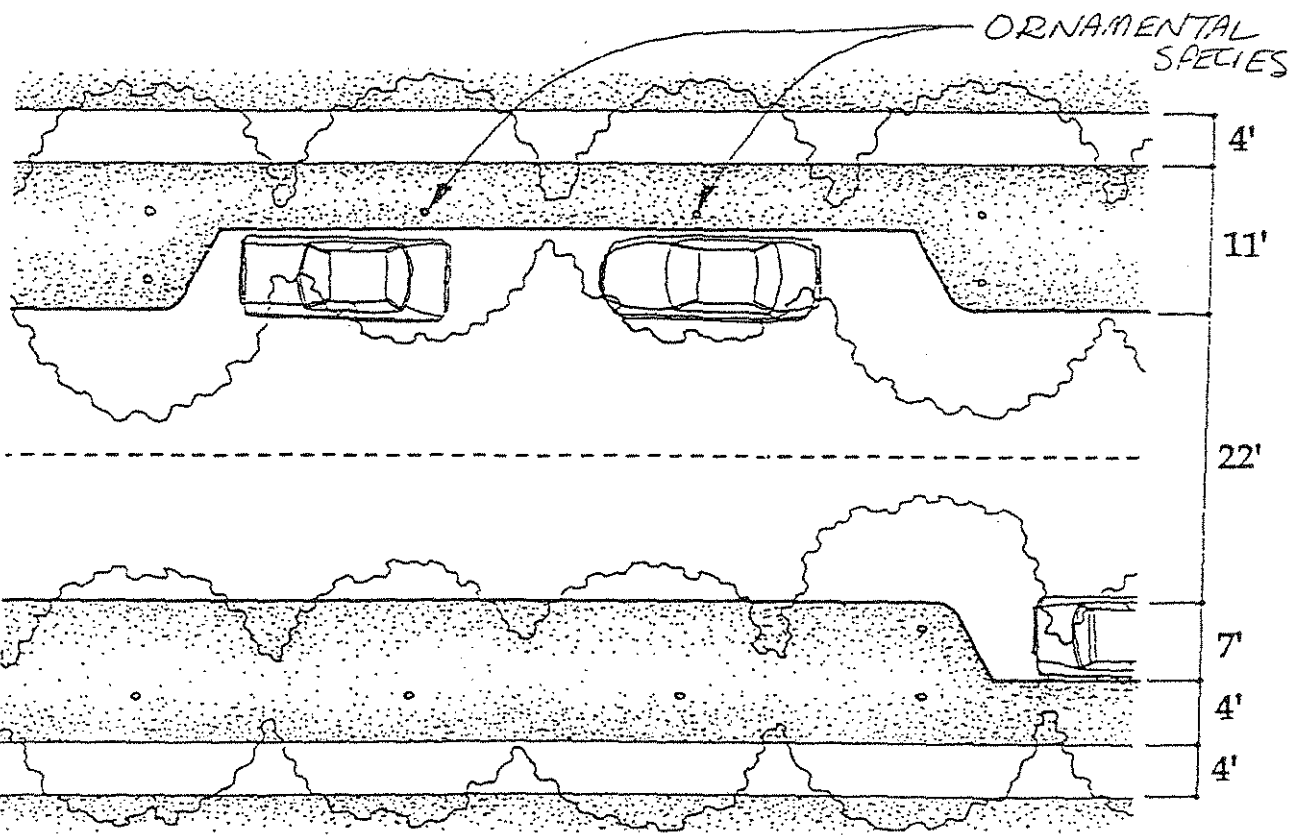


Alley : 20' Right-of-way

FIGURE II-9 *Alternate*
 Neighborhood Streets Cross Sections



53'49' Right-of-way



52' Right-of-way

Street Standards

FIGURE II-10 *Alternate*
 Illustrative Design Approaches to limit through Traffic

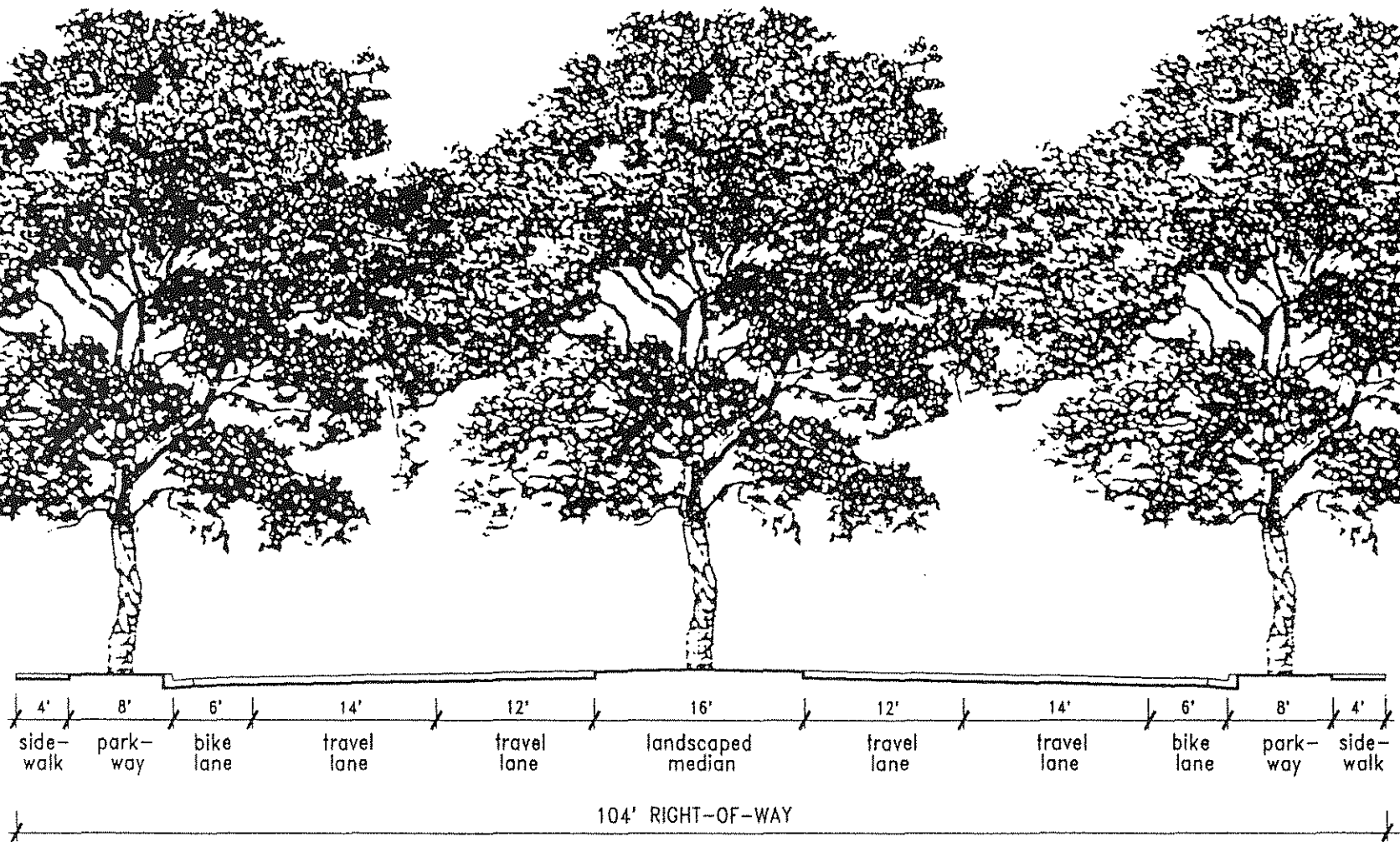
F. Modification of the Minor Arterial and Principal Arterial Street Cross Sections

Proposal

1. Approval of the attached 104' right-of-way cross section for all minor arterials:
 - Sylvan Avenue- between Roselle Avenue and Claus Road
 - Floyd Avenue-- between Roselle Avenue and Claus Road
 - Roselle Avenue-between Briggsmore Avenue and an east-west connector along the north edge of the proposed high school, site north of Sylvan Avenue.
2. Approval of the attached modified 104' right-of-way cross section for Floyd Avenue between Oakdale Road and Roselle Avenue.
3. Approval of the attached 118' right-of-way cross section for all principal arterials:
 - Oakdale Road- between Floyd Avenue and Sylvan Avenue, from centerline east.
 - Sylvan Avenue- between Oakdale Road and Roselle Avenue

Sample Implications

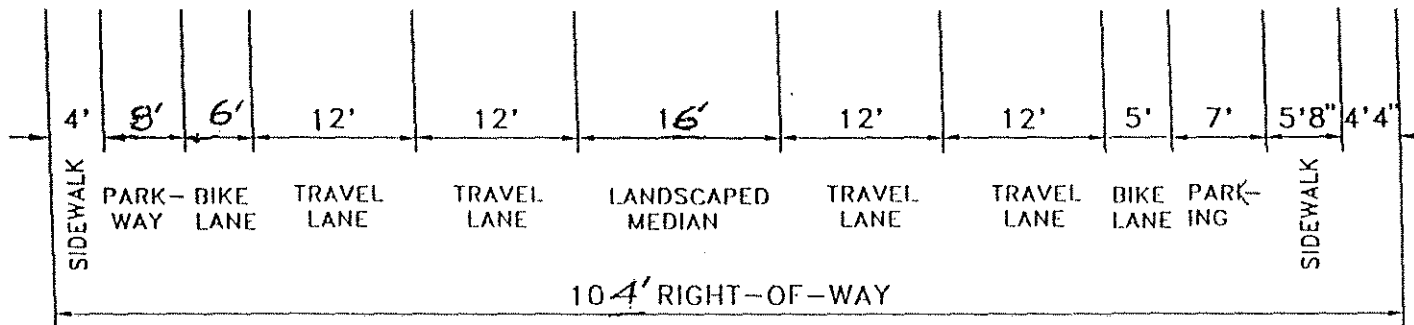
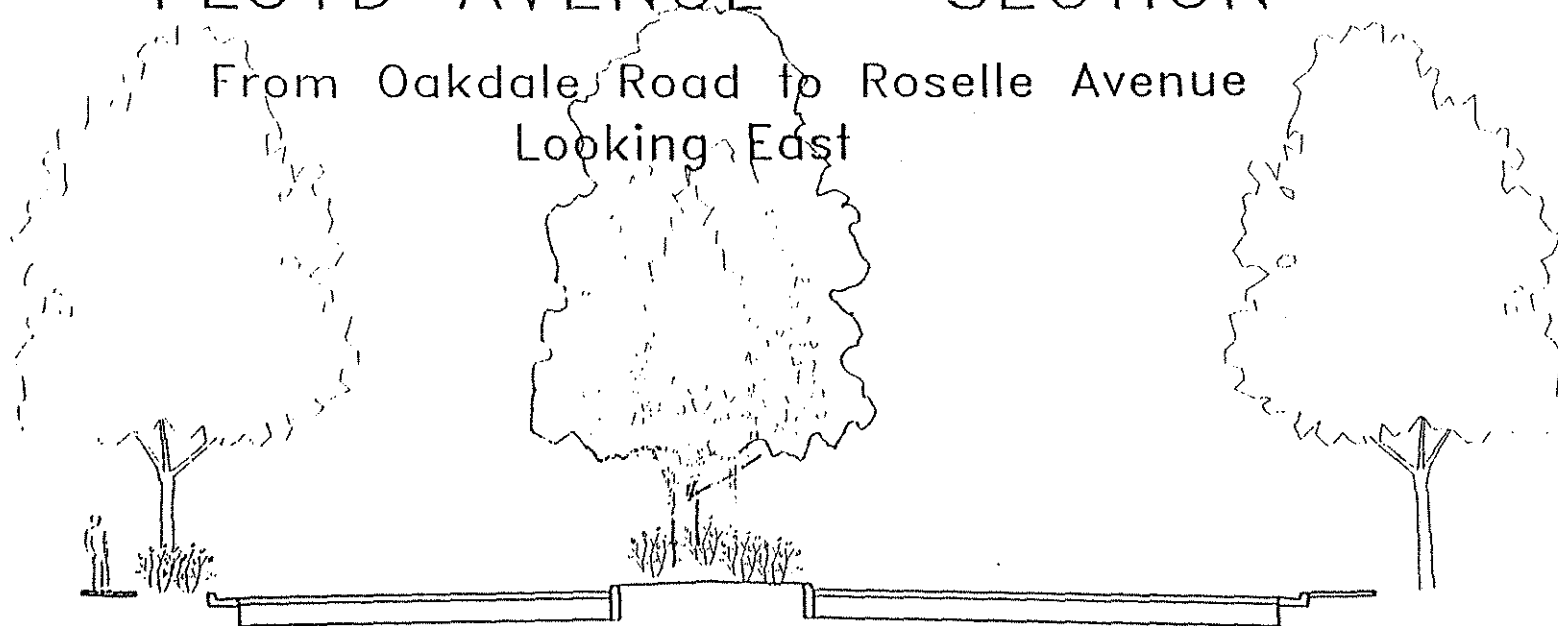
Modification of Precise Plan Area maps; additional acreage added to most Precise Plan Areas.



VILLAGE ONE MINOR ARTERIAL STANDARD

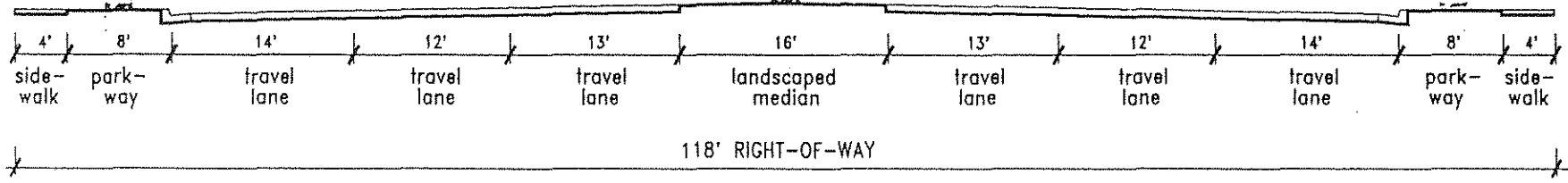
FLOYD AVENUE — SECTION

From Oakdale Road to Roselle Avenue
Looking East





- 20 -



VILLAGE ONE PRINCIPAL ARTERIAL STANDARD

G. To Be Added--Examples of Five Development Options for Single-Family Homes Along Minor and Principal Arterial Streets

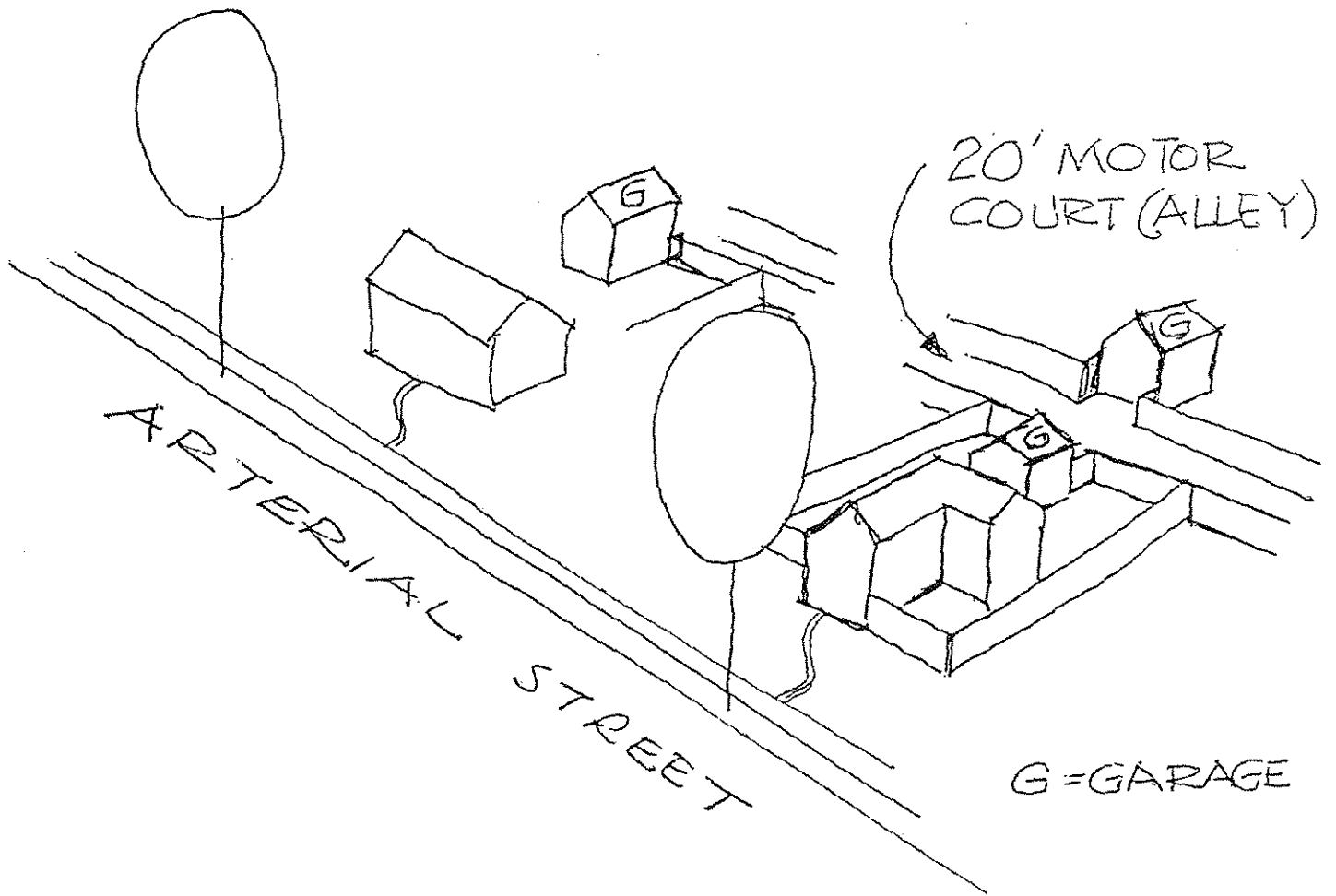
1. Proposal

Approval of the attached graphics. They are:

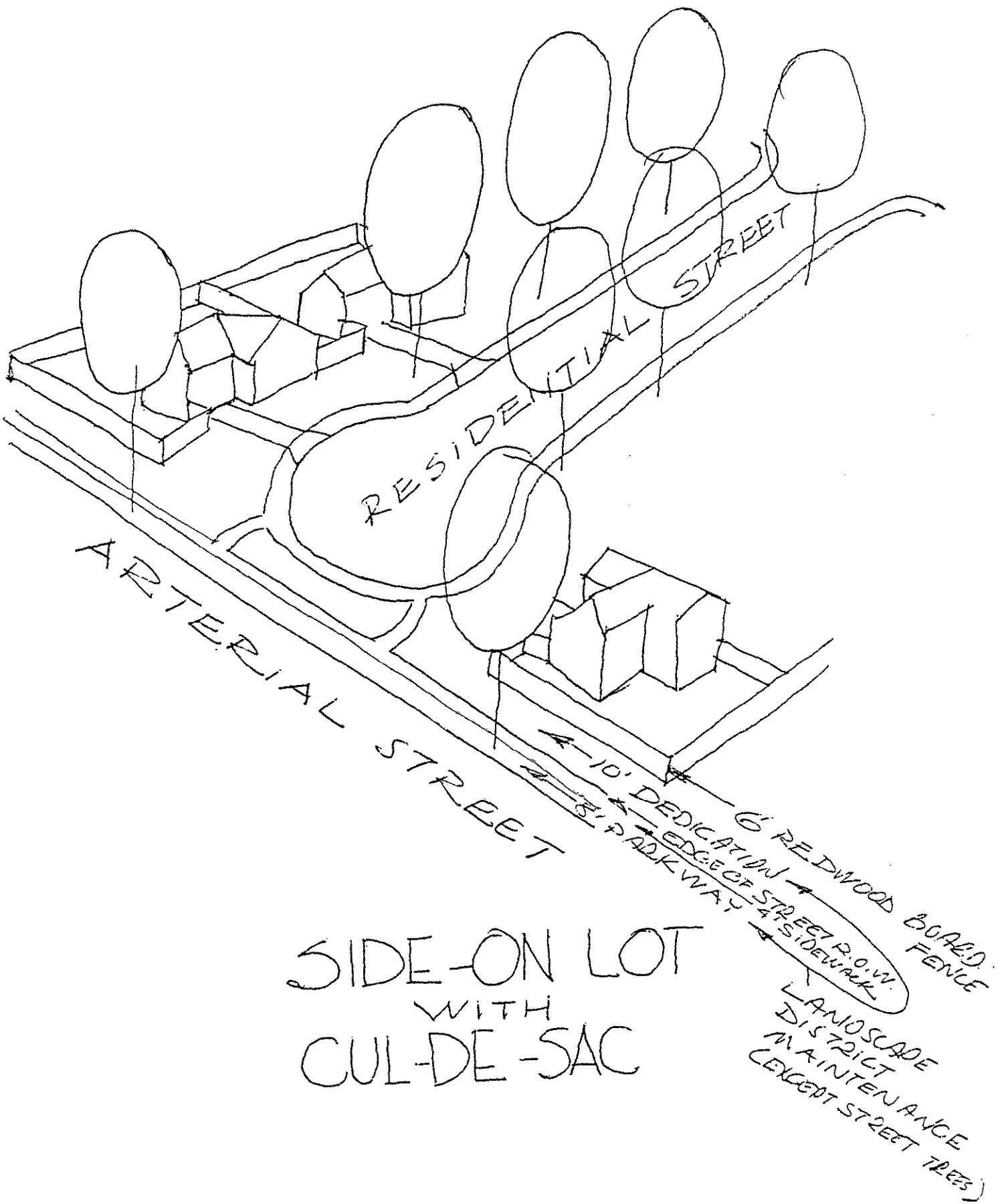
- Option One - Direct frontage lots with vehicular access to the rear from rear alleys maintained by a maintenance district.
- Option Two - Side-on lots with a 10' landscape strip dedicated to the City with a maintenance district.
- Option Three - Side-on lot with cul-de-sac with wrought iron fence to provide a more "open" streetscape while providing more security on the cul-de-sac (children not wandering into arterial street). A 10' landscape strip dedication and maintenance district are needed.
- Option Four - Frontage road lots which were specified for Sylvan Avenue in the original plan, but is only one of several options to the developer now. A maintenance district is needed for the planter between the arterial and this frontage road.
- Option Five - Back-up lots with a 10'-12' dedicated landscape strip, with offset every 50't, and a maintenance district.

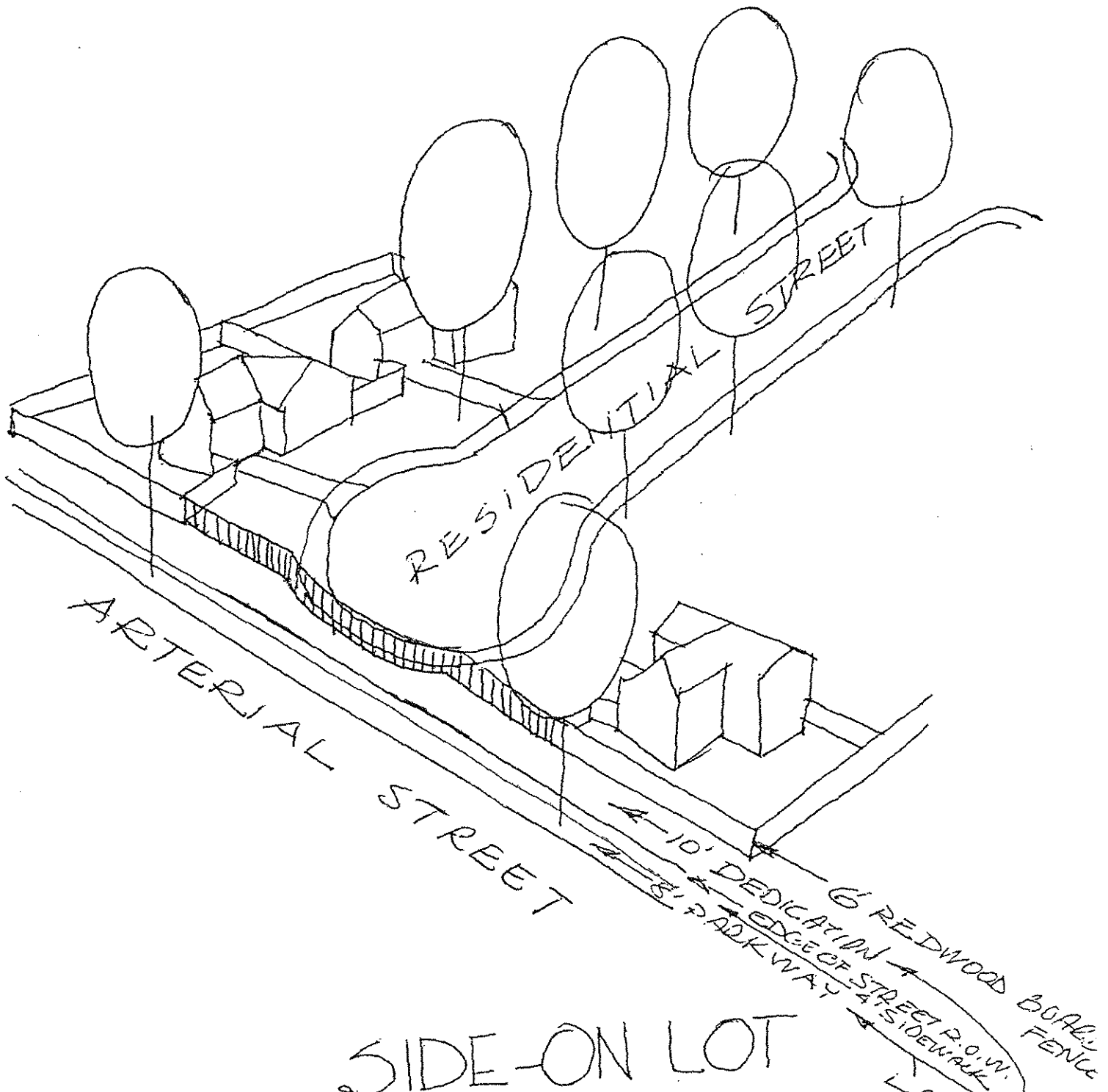
2. Sample of Implications

Only slight text modification.



DIRECT FRONT
VEHICULAR ACCESS TO REAR





ARTERIAL STREET

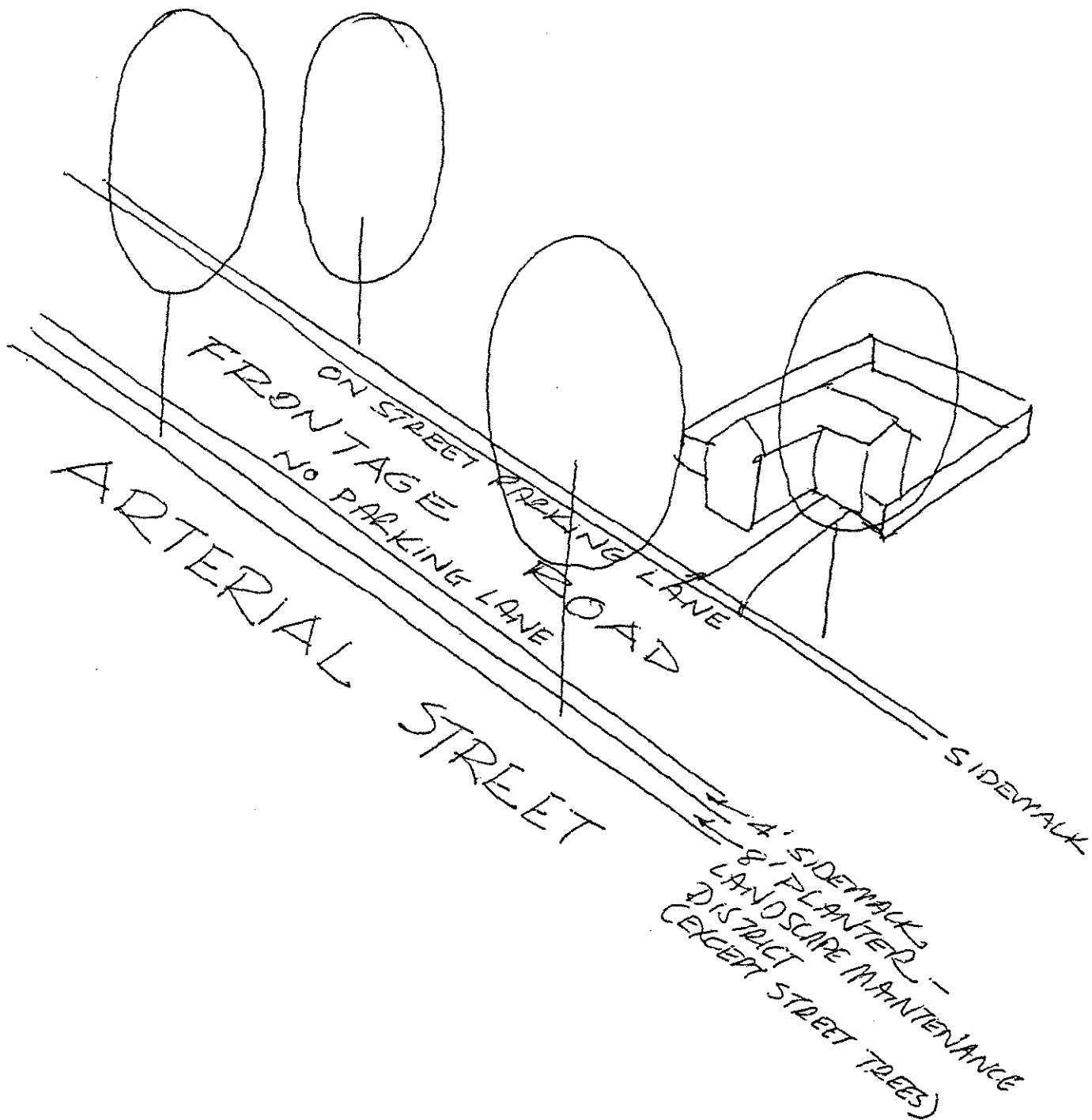
RESIDENTIAL STREET

STREET

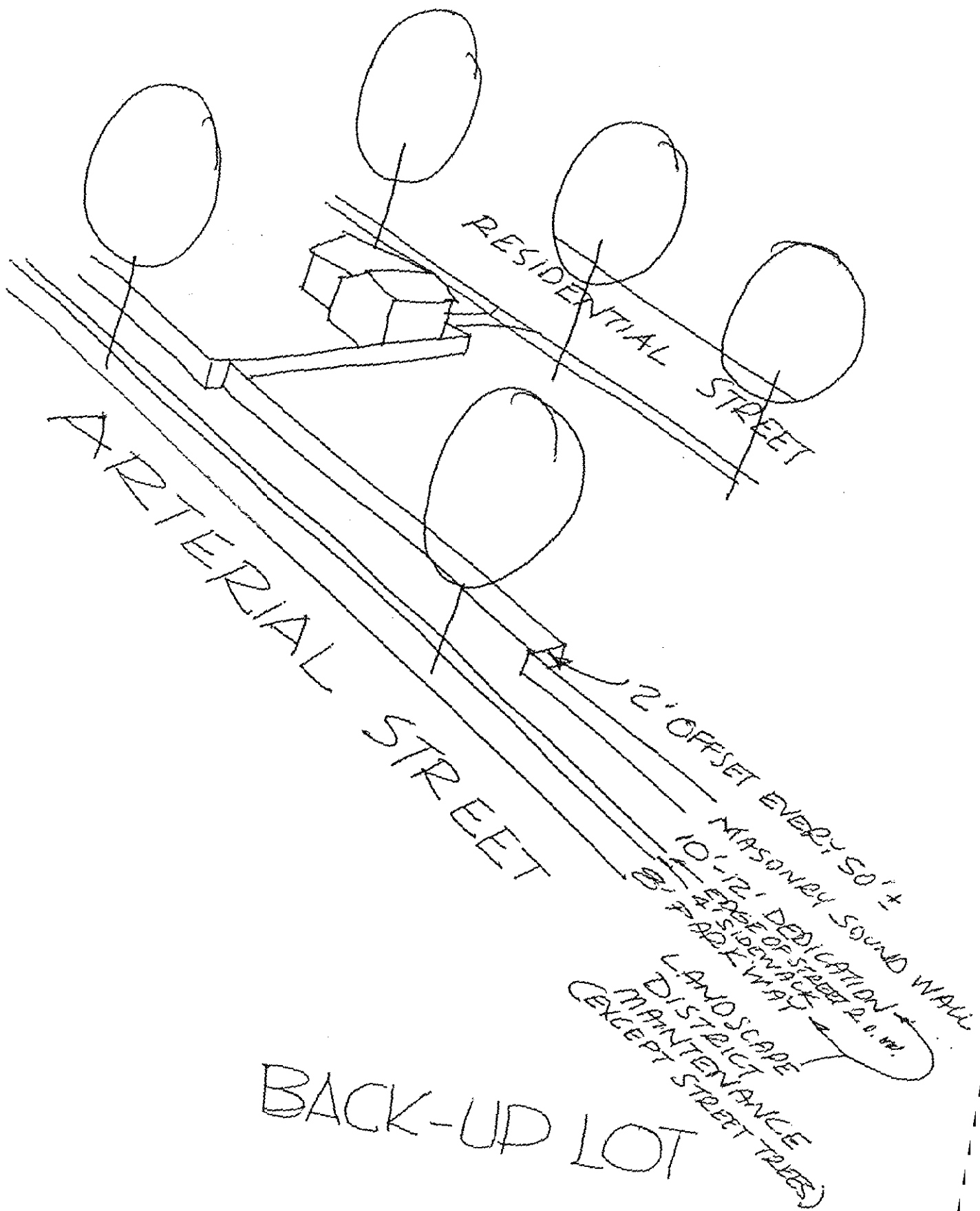
4-10' DEDICATION
 6' REDWOOD BOARD FENCE
 EDGE OF STREET P.O.W.
 SIDEWALK

SIDE-ON LOT
 WITH
 CUL-DE-SAC
 WITH
 OPEN FENCE

LANDSCAPE
 DISTRICT
 IN A INTENANCE
 EXCEPT STREET TREES



FRONTAGE ROAD



H. Reconfigure the Village Center

1. Proposal

Approval of reconfiguration of the Village Center as follows:

- a. Given the reconfiguration of connector streets from a curvilinear Village Center perimeter to a rectilinear design; reconfigure the Village Center in rectilinear form.
- b. The Village Center should be located on 40 acres of land at any one of the three undeveloped or underdeveloped corners of the Floyd Avenue/Roselle Avenue intersection.
- c. The market should decide the appropriate corner with P-D zoning per the City's Neighborhood Shopping Center Policy, that follows.
- d. The components of a successful application should include:
 - (1) A maximum of 350,000 square feet of gross floor area for predominantly neighborhood shopping uses and office uses:
 - 10-12 acres - neighborhood shopping center of up to 215,000-250,000 square feet.
 - 5-10 acres of office uses of up to 100,000-125,000 square feet.
 - Interspersed among the offices, 20-25 acres of high density senior citizen and multi-family housing.
 - (2) The neighborhood shopping center should be of a substantially improved design to a typical neighborhood shopping center, reflecting pedestrian orientation and direct linkage to a residential/office complex.
- e. Each of the remaining two 40-acre corners would be devoted to 10 acres of multi-family use oriented to the Village Center and 30 acres of single-family housing.
- f. The three corners of 40 acres each would be Precise Plan Area #20, replacing the current three-corner Village Center.

2. Sample of Implications

Major change in text of Precise Plan Area #20

POLICY FOR NEIGHBORHOOD SHOPPING CENTERS

It is the policy of the City of Modesto to permit development of 7 to 9 acre neighborhood shopping centers at only one corner of major street intersections, at locations as designated in the Modesto Urban Area General Plan. Such one-corner commercial development will be in the form of a compact shopping center as opposed to the strip commercial form of development.

This one-corner neighborhood shopping center policy is to be implemented by use of the P-D, Planned Development Zone.

The first phase of development of a shopping center P-D Zone shall include construction of a supermarket. Construction of other permitted commercial uses may accompany construction of the supermarket subject to the condition that the supermarket shall be the first use to open for business.

In a neighborhood shopping center P-D Zone, the time limit for commencement of construction of the first phase of development of the center shall not be more than three years from the effective date of the P-D Zone. One year time extensions, not to exceed three in number, may be granted by the Planning Commission after benefit of public hearing, if adequate cause for such time extension is shown by the developer. These time extension provisions shall also apply to existing neighborhood shopping center Planned Development Zones.

If construction of the first phase of a neighborhood shopping center P-D does not occur within the specified time limitations, the Planning Commission will commence proceedings to rezone the P-D back to its previous zoning or to some other appropriate non-commercial zone. In addition, at the same time, the Planning Commission may consider P-D zoning for a neighborhood shopping center at one of the other corners of such an intersection.

ORIGINAL POLICY ADOPTED

Planning Commission - September 15, 1970 by Res. No. 70-123

City Council - September 21, 1970 by Res. No. 70-933

REVISED POLICY (TIMING AMENDMENT) ADOPTED

Planning Commission - November 5, 1974 by Res. No. 74-191

City Council - April 21, 1975 by Res. No. 75-477A

I. Make the Village Center Policies More Flexible

1. Proposal

To cast the policies as general design guidelines rather than prescriptive standards. The Technical Appendix indicates the suggested modifications.

2. Sample of Modification

Only slight text modification.

J. Make a Number of Cost Saving Measures

1. Proposal

- a. Reduce the size of the street trees for the Village Center from 48" box to 24" box size.
- b. Eliminate the branch library, meeting hall, and as a separate public building, the police substation.
- c. Eliminate the Village Green.
- d. Eliminate the relocation of the 69-12KV lines from Floyd Avenue to Briggsmore Avenue.
- e. Eliminate the requirement for mini-parks.
- f. Eliminate the Gateway Park.

2. Sample of Implications

Modification of Precise Plan Area maps; additional acreage added to some Precise Plan Areas.

K. Make the Residential Policies More Flexible

1. Proposal

- a. A shift from maximum and minimum single-family density to an average density guideline.

More flexibility is needed for the developer who wants to provide lots at 7,000-8,000 square feet. Staff also wants to accommodate the developer who wants to try zipper lots at 3,600 square feet or patio house lots at 4,350 square feet. The proposals:

(1) Use of the following single-family product mix:

<u>Lot Size/Area(SF)</u>	<u>% Mix</u>	<u>Net Square Feet</u>	<u>Dwelling Unit Yield</u>
50'x100'/5000	48%	11,397,038	2,279
60'x100'/6000	42%	12,074,732	2,012
75'x100'/7500	10%	3,567,564	476
	100%	27,039,334	4,767

Assume a 4,750 single-family yield.

(2) Based on that single-family product mix, arrive at the total number of single-family dwelling units of 4,750 for the purposes of determining various assessments of infrastructure costs.

(3) Based on that single-family product mix, note an average lot size of 5,700 square feet net; determine yield per gross acre as 5 dwelling units/gross acre, and apply it to all single-family portions of the 35 Precise Plan Areas in Village One.

(4) Not prescribe a minimum nor maximum density nor units derived from these densities. Merely monitor the deviation from the average for future adjustment as necessary after more experience with the product that is developed.

- b. While a Precise Plan is needed for each of 35 areas, the Plan can focus more on the parcels being considered for development entitlements such as zoning and subdivision.
- c. Density can be transferred from one Precise Plan Area to another if all directly affected property owners are in favor, accompanied by a minor Specific Plan Amendment.
- d. Removal of Exhibits with local street patterns and floor plans, specifically:

Residential Design Standards:

- II-83,84 - Rear Loaded Small Lot
- II-85,86 - Front Loaded Zipper Lot
- II-87,88 - Front Loaded Lot
- II-89,90 - Front Loaded Large Lot
- II-91,92 - Rear Loaded Large Lot

Illustrative Plans:

- II-93 - Multi-Family Housing
- II-94 - Mixture of Lot Type
- II-95 - Along Gateway Park on Floyd Avenue
- II-96 - Along Frontage Road at Sylvan Avenue

B. Sample of Implications

Text modification.

TECHNICAL APPENDIX

SPA-7

SUGGESTED APPROACH TO AMENDMENTS TO VILLAGE CENTER POLICIES

3. Village Center - Overview

This section defines the purpose of the Village Center, expanding upon the brief narrative presented in Section IIB-2. This narrative is further refined later in Section IIG-4 and supplemented by the narrative for "Precise Plan Area #20," in Chapter III.

The Village Center is essentially a hybrid form of commercial development that includes the best pedestrian-oriented features of the traditional small town and the automobile orientation of strip shopping centers. By locating the Village Center at the heart of the community and concentrating commercial uses within it, the number of daily trips related to automobile traffic can be substantially reduced.

The Village Center is a compact district with a hierarchy of streets, sidewalks, and pedestrian passageways. Commercial buildings are clustered around key intersections and along streets which lead directly into adjacent residential neighborhoods. Historical precedents for certain design aspects of the Village Center include the traditional main street or commons that forms the focus of small towns throughout the United States.

The Village Center is envisioned as a place where people go on an everyday basis to shop, conduct business, socialize with neighbors, and gather for community events. It serves as one of the fundamental elements for creating a strong sense of community. Therefore, direct access from throughout Village One on both primary and secondary roads is essential.

An attractive image and identity for the Village Center shall be established through the unique configuration of streets and open spaces. Detailed design guidelines shall be maintained, to establish a consistent character and quality standards for buildings.

The creation of an attractive image and identity for the Village Center will add to the potential success of the commercial activities, while simultaneously lending an image and identity to all of Village One, and providing a stronger sense of place and orientation. The design of individual buildings and open spaces can reinforce the role of the place, not only for shopping, but also as a people-oriented gathering place.

4. Village Center - Land Use Policies

The following policies shall be addressed in the overall design of the Village Center. THE TERM "SHOULD" IS ADVISORY. HOWEVER, ATTENTION SHOULD BE PAID TO THE COMMENTS THAT FOLLOW.

- a) The Village Center will house the major concentration of retail uses within the Village and will also serve as the "living room" of the community and the focus of its social activities, Figure II-2 illustrates a potential Village Center Plan which incorporates an appropriate mixture of land uses in conformance with this policy (see also Precise Plan Area No. 20, in Chapter III).

- 350,000
- b) A concentration and mixture of uses shall be provided within the Village Center Plan to accommodate approximately 350,000 square feet of commercial (retail and office) uses within the core area. Additionally, an appropriate environment shall be created for the inclusion of higher density single-family residential dwellings, senior housing, a small open space, and community facilities.
- c) The Village Center includes a diverse mixture of uses that are concentrated in a distinct district. Boundaries between properties and uses are soft and not clearly delineated. Retail shops, general commercial establishments, and some professional offices will comprise the majority of the local-serving commercial uses. The suggested commercial program for the Village Center is outlined in Precise Plan Area No. 20, in Chapter III.
- d) Higher density single-family and senior housing should ring the Village Center. In addition, selected parcels within the predominantly commercial core and adjacent to the small Village Green (approximately two acres in size) are planned to accommodate mixed-use or higher density residential apartments or condominiums.
- e) Emphasis shall be placed on pedestrian activities and linkages, and the possibility of future transit shall be provided for along Roselle Avenue to serve the Village Center.
- f) The Village Center should be people-oriented and easily accessible to all residents of Village One by foot or bicycle. Due to its important role within the community, the Village Center must also accommodate the required flow of automobile traffic and provide ease of access and parking convenience. However, it is important that the image of the Village Center is not dominated by the automobile.
- g) No drive-through commercial facilities (such as those related to financial institutions and fast food enterprises) should be ~~permitted~~ ^{TRADITIONALLY SI} in the Village Center. These uses reduce pedestrian activity and often disrupt retail continuity along the street. ^{THEY SHOULD BE SITED IN THE TRANSITIONAL AREA BETWEEN THE NEIGHBORHOOD COMMERCIAL AND OFFICE/MULTI-FAMILY AREA.}
- h) Parking areas should be located so as not to interrupt pedestrian movement along streets and passageways wherever possible. Off-street parking lots should be located behind buildings or screened by landscaping, so that the dominant image of the Village Center is one of buildings and pedestrian activity. The Village center is a logical location for future transit service due to its concentration of uses, higher density housing, and central location.
- i) Higher density single-family residential uses are provided within the Village Center where they can take advantage of transit connections along Roselle Avenue and the retail activities focused within the heart of the community. These higher density single-family residential uses should achieve a minimum gross density of approximately ten dwelling units per net acre, and they could consist of either attached or detached housing units.

- j) Mixed-use (residential and retail) development ~~shall be provided~~ ^{ARE ENCOURAGED}
~~for within the Village Center.~~

A small development with retail on the ground floor and ~~approx-~~
~~mately fifty units of residential development on upper floors is~~ ^{ENCOURAGED}
~~envisoned within the higher density Village Center. While this~~
type of development is relatively unconventional in the Central
Valley, it would take advantage of the opportunities in this
particular location for the establishment of a small, relatively
unique, new urban prototype that is complementary in intensity and
in scale with its surroundings.

5. Village Center - Community Design Policies

In addition to the Land Use policies listed above, all development
within the Village Center shall incorporate the following Design
Policies, as appropriate. *THE TERM "SHOULD" IS ADVISORY. HOWEVER, ATTEN-*
SHOULD BE PAID TO THE CONCEPTS THAT FOLLOW.

a) Site Design Policies

1. Commercial building parcels should be delineated in various
sizes ranging from approximately 30- to 250-foot frontages in
order to create architectural variety and a more visually
interesting environment for the pedestrian.
2. Residential building parcels within the Village Center should
be located outside of the designated core area. These parcels
should be large enough to accommodate appropriately scaled,
high-density projects. ~~Well landscaped pedestrian easements~~
~~must be provided in mid-block locations in projects that exceed~~
~~250 feet in linear frontage, and should have an average width~~
~~of at least twenty feet.~~
3. ~~Setbacks to the rear of the buildings must be a minimum of four~~
~~feet in order to accommodate sidewalks facing the parking lots~~
~~for service and pedestrian safety.~~
4. Screened service courts and enclosed trash containers should be
required for garbage and delivery.
5. The electrical services and other mechanical areas of buildings
should be screened from view or located to minimize their
visual appearance.

b) Street Design Policies

1. ~~Through the Village Center, Floyd Avenue shall be installed as~~
~~interim improvements first, then ultimate improvements when~~
~~needed. The interim improvements would consist of three lanes~~
~~(two travel and one turn) constructed with bike lanes and wide~~
~~sidewalks within the 112-foot right-of-way. This interim~~
~~three-lane improvement would be allowed to operate as long as~~
~~the City determines that operational and safety concerns are~~
~~being met.~~

~~Ultimate improvements would be required when the City determines that three lanes are no longer meeting operational and safety needs. The ultimate improvements of five lanes (four travel and one turn) will be constructed within the right-of-way of 112 feet. The wide sidewalks will become narrower. However, since the buildings will have been set back to allow for this widening, a wide sidewalk will still be retained for pedestrians. (See Figure II-6, Floyd Avenue Commercial District). Final design of this road section may vary when the actual Precise Plan is adopted for the Village Center.~~

SERVING THE VILLAGE CENTER.

~~2. On-street parking should be provided on both sides of the streets. Along Floyd Avenue, sidewalks should be a minimum of 14 feet in width. Overhead electrical facilities should be prohibited on Floyd between Roselle Avenue and the proposed Claus Expressway.~~

~~3. The diagonal main streets should not exceed two moving lanes. On-street parallel parking should be provided on both side of the street. Sidewalks should be 15 to 20 feet in width, permitting a zone of six to ten feet for cafes to spill out onto the sidewalk.~~

4. All Village Center streets should be designed for ²⁴48-inch box street trees with high canopies that could be planted at 20-foot intervals. Tree species should be selected for branching at heights greater than 15 feet, for light, feathery leafing (for visibility to storefronts) and for easier of maintenance.

5. Consistent pedestrian-scale ornamental light fixtures should be utilized along streets in the Village Center. Light fixtures should include attachments for banners and planters. Fixtures should be high-pressure sodium vapor for the best rendition of natural colors.

c) Architectural Design Policies

~~1. Linear frontages along the street of any one building should not exceed approximately 250 feet in order to create passageways for pedestrians between parking areas and adjacent streets. Public passageways between buildings should be a minimum of 20 feet in width and well landscaped with trees, flowers, sidewalks, and lighting.~~

↳ SHOULD BE PROVIDED.

2. All commercial buildings should have facades built right to the sidewalk, with no setbacks on the first level, in order to maintain an active and interesting edge for window shoppers, strollers and passersby. *THESE MAY BE VARIATIONS FOR LANDSCAPING*

BUT TO BE AVOIDED IS THE CONVENTIONAL PARKING BETWEEN STREETS AND BUILDINGS

3. Buildings at key intersections should be designed to mark the corner. Various design devises include setbacks at the corner, accentuated entrances, and additional height, using for instance, towers and cupolas. By treating intersections as

prominent landmarks in the Village, people and visitors are more quickly oriented to the entire district.

4. Blank or solid walls (without glazing) should not exceed approximately 30 feet in length at street level so that visual interest is maintained along sidewalks for pedestrians. Walls that are blank should be articulated with murals, trompe l'oeil, or some type of wall detailing, wherever possible.
5. Store and building entrances should not be recessed more than ten feet. Doorways should be designed to focus on the street in order to create a more immediate and direct relationship between indoor and outdoor activities.
6. ^{IDEALLY} The height of street-facing facades should be greater than 16 feet but not more than 35 feet, as measured from the sidewalk to the top of the cornice. These height limits will ensure an appropriate pedestrian scale for the Village Center.
7. ^{BUILDINGS OVERHANGING THE SIDEWALK OR FREESTANDING SHELLS OR STRUCTURE.} Street arcades that intrude into the sidewalks should be continuous, extending along the full length of a block or, at minimum, linking a series of contiguous buildings. (RET)
8. Awnings should be encouraged, but should not interfere with street tree planting, ~~or extend beyond four feet from the building's edge.~~
9. Storefronts should be encouraged to wrap corners at the entrance of public passageways and at street intersections in order to create activity and eyes on the street at these critical junctures in the pedestrian network of the Village Center.
10. Consistent wall-hung exterior lighting should be used along pedestrian passageways, at corners of buildings, and at the rear of buildings facing the parking lots.
11. Signage should be scaled to the pedestrian, ~~in terms of size, location, lettering, and lighting.~~
12. Heraldic signs, vertical banners stretched between two horizontal standards, should be encouraged.
13. General merchandising and off-premise signs should not be permitted.
14. The buildings and streets within the Village Center ^{should} ~~shall~~ be organized to concentrate pedestrian activity within an appropriately scaled district, in order to create a strong sense of identity and community at the geographic center of Village One.
15. People-oriented activities (window shopping, store entrances, cafes, displays, signage) ~~shall~~ be focused along the streets and in front of buildings of the Village Center. Parking,

deliveries, trash and other ancillary services ^{should} ~~shall~~ be located at the rear of buildings.

16. A focused, efficient pattern of buildings and open spaces ^{should} ~~shall~~ be developed in order to concentrate activities, rather than dissipate them in a way that requires greater dependency upon the automobile.

17. Buildings, streets, and parking lots ^{should} ~~shall~~ be designed to be scaled to pedestrians (with regard to such issues as to height and length of walls, the amount of uninterrupted asphalt paving, the width of streets, and the distance between crosswalks, the continuity of shop fronts, the size of signage).

18. The development of pedestrian amenities such as ^{should} ~~shall~~ benches, trash receptacles, and pedestrian-scale lighting ~~shall~~ be encouraged as well as outdoor cafes and sidewalk magazine stands--all of which enhance the experience of moving through the Village Center by foot.

~~19. A complex and diverse network of streets, passageways, open spaces, and well distributed parking lots shall be created in order to enhance visual interest.~~

d) Parking Design Policies

1. An adequate supply of parking should be provided to meet retail needs. In the case of predominantly night time uses, such as ^{nightclubs} ~~theaters~~, shared parking opportunities should be encouraged.

2. On-street parking should be provided on all major streets in the Village Center.

3. All off-street parking should be located to the rear of buildings ^{INSTEAD OF BETWEEN THE PUBLIC STREET AND BUILDINGS.} Access to stores and streets should be easily visible from all areas of the parking lot.

4. Surface parking areas should be constructed in small increments, or large lots should be divided into small areas through the use of landscaping, so that asphalt does not dominate.

5. Conversions of surface parking areas to allow additional development utilizing structured parking should be encouraged, as market demand increases over time.

6. Trees should be planted at a ^{SUFFICIENT DENSITY IN} ~~ratio of one for three~~ parking ~~lots to meet~~ ^{LOTS TO MEET} stalls with the objective of achieving an 85% coverage at maturity.

7. Parking lot lighting should be located at ^{FREQUENT} ~~six-stall~~ intervals ^{FOR BEST LIGHT} ~~with the height of lights not to exceed 20 feet.~~ All exterior lighting should be high-pressure sodium vapor fixtures to create an attractive light quality suitable to retail and pedestrian uses.

P/C 9/25/95
Item B

CITY OF MODESTO
M E M O R A N D U M

September 20, 1995

TO: Planning Commission
FROM: Bill Nichols, Strategic Planning Manager *BN*
SUBJECT: Velthoen Letter of 9/15/95 Re: Village One Center,
Attached

My responses:

#4 Village Center Land Use Policies

Paragraph "a)" - reasonable people can differ. A major concentration of retailers will be the Village "living room" just as downtown is the entire city's "living room". People will congregate there. Suggest no changes.

Paragraph "e)" - Support change.

Paragraph "f)" - Support current wording.

Paragraph "g)" - Support change.

#13 Architectural Design Policies

Support deletion. The current sign regulations are adequate to handle those concerns .

BN:sfl

Attachment

cc: Phil Testa
Mike Herrero
Brian Velthoen

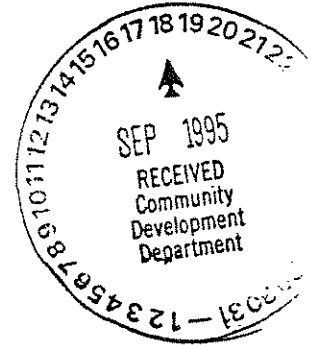


**VELTHOEN ASSOCIATES
COMMERCIAL BROKERS**

3501 Tully Road, Suite B, Modesto, CA 95356, Office: (209) 575-3800, Fax: (209) 575-3905

September 15, 1995

Mr. Philip Testa
City of Modesto, Community Development Director
P O Box 642
Modesto, CA 95353



Re: Village One - Village Center Design Criteria

Dear Phil:

Thank you for sending the implementation plan #2, together with its exhibits, regarding the implementation of the Village One recommendations by the consultant team. I have reviewed the Village Center changes and would offer the following comments and propose an additional modification as follows:

#4 Village Center Land Use Policies

Paragraph A: I suggest the reference to "living room of the community and focus on its social activities" be deleted. The recommendations, if implemented, make this reference moot. The civic center and public facilities have been deleted by the recommendations and the inference does imply that they still exist.

Paragraph E: I suggest a paragraph be replaced as follows:

"Site plans shall consider pedestrian activities and linkages and the possibility of future transit shall be considered along Roselle Avenue to serve the Village Center."

Paragraph F: Delete the last sentence "However, it's important that the image of the Village Center is not dominated by the automobile".

Paragraph G: Change the paragraph to read as follows: "Drive-through commercial facilities (such as those related to financial institutions and fast food enterprises) should be sited in the transitional area between the neighborhood commercial and the office and multifamily areas."

September 15, 1995

Page 2 of 2

Architectural Design Policies #13.

I am unclear what is meant by general merchandising and off premises signs. The Village Center is to be a place of commerce and activity. I would expect some retailers would want the opportunity to conduct sidewalk sales and advertise their wares as merchants did many years ago. I expect the author intended that these activities be regulated by the current City Code. Please be more specific.

I commend you and your staff for the work that you have done to date. Please give me a call to discuss these recommendations.

Sincerely,

VELTHOEN ASSOCIATES COMMERCIAL BROKERS

A handwritten signature in black ink, appearing to read "Brian Velthoen". The signature is fluid and cursive, with the first name "Brian" being larger and more prominent than the last name "Velthoen".

Brian Velthoen
CCIM

cc: Arlo & Marvene Hilkey
Mike Herrera, City of Modesto
Bill Nichole, City of Modesto

Coyle

MODESTO CITY COUNCIL
RESOLUTION NO. 95-488

A RESOLUTION ACCEPTING THE PROJECT TO REHABILITATE STORM WATER LIFT STATION - HATCH/DALLAS AND ASHFORD COURT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the "Rehabilitate Storm Water Lift Station - Hatch/Dallas and Ashford Court" project, has been completed by Conco-West, Inc., in accordance with the contract agreement dated July 12, 1994.

NOW, THEREFORE, BE IT RESOLVED that the "Rehabilitate Storm Water Lift Station - Hatch/Dallas and Ashford Court" project, be accepted from said contractor, Conco-West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$178,180.00 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 10th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Chick

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-489

A RESOLUTION INITIATING AN APPLICATION WITH THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO AMEND MODESTO'S SPHERE OF INFLUENCE TO INCLUDE ALL AREAS WITHIN THE BOUNDARIES OF THE RECENTLY ADOPTED GENERAL PLAN, AND TO NOT DESIGNATE A PRIMARY AND SECONDARY AREA OF INFLUENCE.

WHEREAS, Section 56425 of the California Government Code requires all cities in California to have a Sphere of Influence, to be established by the Local Agency Formation Commission, hereafter referred to as "LAFCO", and

WHEREAS, on December 19, 1984, the Stanislaus County LAFCO established the Sphere of Influence for the City of Modesto, based on the City's General Plan current at that time, and

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the Modesto City Council, certified a Final Master Environmental Impact Report, and on August 15, 1995, by Resolution No. 95-409, the Modesto City Council adopted a new General Plan to guide Modesto's development over the next thirty years, and

WHEREAS, the newly adopted General Plan includes 7,840 acres not presently in Modesto's Sphere of Influence, and

WHEREAS, it is the desire of the Modesto City Council to have Modesto's Sphere of Influence include all areas within the newly adopted General Plan, and

WHEREAS, the newly adopted General Plan provides that annexation and development can occur and can be served with

municipal services anywhere within the General Plan's outer boundaries at any point in the future, and

WHEREAS, consequently, there is no need to establish a "Primary Area of Influence" and "Secondary Area of Influence" to designate areas that will be developed within ten years and areas that will be developed beyond ten years,

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

1. That the City of Modesto hereby petitions the Local Agency Formation Commission of Stanislaus County for an amendment to the City of Modesto's Sphere of Influence to match the boundaries of the newly adopted General Plan.
2. That the City of Modesto requests that the Local Agency Formation Commission not establish a Primary Area of Influence and Secondary Area of Influence for Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-490

A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY REINVESTMENT FUND, INC. TO PROVIDE ADDITIONAL SERVICES - INSURANCE MONITORING FOR HOUSING LOAN RECIPIENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Community Reinvestment Fund, Inc. to provide additional services, insurance monitoring for housing loan recipients, be and it is hereby approved.

BE IT FURTHER RESOLVED that the negotiation of said contract 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 10th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Cogdill

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-491

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, OR AS SCRAP.

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

WHEREAS, the City possesses a variety of vehicles,
miscellaneous pieces of equipment, surplus, stolen, unclaimed,
and/or seized property which are set forth on the attached
Exhibits "A", "B", and "C" which the Finance Department/
Purchasing Division has requested to be placed into surplus, as
these vehicles and equipment have been replaced, and

WHEREAS, said 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 on December 2,
1995, at 824 W. Kiernan Avenue, and

WHEREAS, if the sealed bid process nor the auction
process brings the desired results, then City staff proposes that
the property will be sold for scrap,

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

SECTION 1. The City Manager or his authorized
representative is hereby authorized and directed to sell on a
sealed bid basis to the highest bidder the variety of vehicles,

miscellaneous pieces of equipment, surplus, stolen, unclaimed, and/or seized property which are set forth on the attached Exhibits "A", "B", and "C" and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. 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 October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, 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 lists of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, mcclanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

"Attachment A"

**CITY OF MODESTO
PUBLIC WORKS & TRANSPORTATION DEPARTMENT
FLEET SERVICES**

The following items from the Fleet Management Services equipment pool are now surplus:

<u>EQUIP. NO.</u>	<u>DESCRIPTION</u>
77521	1975 Diamond Emulsion Sprayer, trailer mounted
47819	1978 IHC 1600 Dump Truck
58113	Case W-11B Load
38290	1982 GMC S-15 Pickup Truck
48578	1985 GMC Van with 24' Aerial Tower
76327	1963 LeRoi Air Compressor
68304	1983 Vrisimo Flail Mower, 3-point hookup
78315	1983 Smithco Sand Trap Conditioner
38293	1982 Ford F-150 1/2-ton Pickup Truck
38541	1985 Dodge D-150 1/2-ton Pickup Truck
48570	1985 Chevrolet 3/4-ton with Dump Body
48406	1984 GMC 3/4-ton with Dump Body
47819	1978 IHC Gondola Dump Truck
47883	1978 IHC Chipper Truck with Dump
47587	1975 Dodge D-300 with Utility Body
48065	1980 Chevrolet 1-ton Paint/Stencil Truck
48212	1982 GMC 1-ton Pickup Truck
48134	1981 GMC 3/4-ton Dump
47944	1979 GMC 3/4-ton Utility Truck with Crane
38737	1987 Chevrolet 1/2-ton Pickup Truck
38059	1980 Chevrolet 1/2-ton Pickup Truck
38528	1985 Dodge 1/2-ton Pickup Truck
78970	1989 Smithco Ball Field Conditioner
78971	1989 Smithco Ball Field Conditioner
47840	1978 Ford 8-10 Yard Dump Truck
38079	1980 GMC 1/2-ton Pickup Truck
18505	1985 Ford Thunderbird
18564	1985 Dodge Diplomat
18728	1987 Dodge Diplomat
18827	1988 Dodge 600
18848	1988 Chevrolet Caprice
18930	1989 Chevrolet Caprice
18996	1989 Chevrolet Caprice
19109	1991 Chevrolet Caprice

Surplus Vehicles/Equipment
Page 2

19116	1991 Chevrolet Caprice
---	Ford 2000 Series Tractor with Loader
---	AC 6000 lb. Forklift (very poor condition)
58163	1981 Cushman Turf Truck
58958	Club Car Turf Truck
78701	1987 Jacobsen 72" Rotary Mower
68506	Ford 3-Point Hookup Flail Mower
---	Kohler Generator Set, Model 85RZ78
---	Two (2) Utility Trailers (from Del Este)

CHESTNUT WAREHOUSE

SALES #	INV. #	SERIAL #	QTY	DESCRIPTION / BRAND / MODEL	TRANSFERRED TO
10109-R		GTA(2)	1	BAG CELLULAR PHONE	
10110-R		ANC9SA8512001	1	IBM MONITOR MODEL 8512	
10111-R		354X88WA237	1	IBM MONITOR MODEL 3192	
10112-R	13387	HT10-10885199	1	OSSI PC DESK TOP	
10113-R		WDEA00202103	1	HYUNDAI MONITOR	
10114-R	14815	SABHALA00660	1	HYUNDAI SUPER 386S/20L	
10115-R	13183		1	CHAIR - WOOD BASE, BLUE FABRIC	
10116-R	15077	0331003774	1	WYSE MONITOR MODEL # WY-30	
10117-R		WQQR301706771	1	HYUNDAI MONITOR	
10118-R	11232	050391	1	ROYAL 1803ZMR COPY MACHINE	
119-R	13501	4090210125	1	RICOH FT 5590 COPY MACHINE	
10120-R	14888	98-GKYRI	1	IBM 3151 MONITOR	
10121-R	14517	0530240031	1	EPSON LQ510 PRINTER	
10122-R		SE 270	1	CROWN CASSETTE PLAYER	
10123-R		19X199312K	1	G.E. BLACK & WHITE TV	
10124-R	13911	9A923458	1	HARRIS/3M COPIER MODEL# 6030	
10125-R	13889		1	HARRIS/3M COPIER BIN SORTER	
10126-R	15398	61P1006108	1	EPSON FX-870 PRINTER	
10127-R			1	IBM SELECTRIC TYPEWRITER - GREEN	
10128-R		039423877.28	1	ARCHE 514AS AUTOSCAN MONITOR	
10129-R	9721		1	BELL & HOWELL PROJECTOR	
10130-R		20335653	1	STANDARD PROJECTOR MODEL LP10-3	
10131-R	07799		1	POWER DIGGER (SAVAGE)	
132-R	07798		1	POWER DIGGER (SAVAGE)	
10133-R	16333	024AB0388492	1	OKI CELLULAR PHONE	

SURPLUS/UNCLAIMED PROPERTY LISTING

P. 2

CHESTNUT WAREHOUSE

SALES #	INV. #	SERIAL #	QTY	DESCRIPTION / BRAND / MODEL	TRANSFERRED TO
15531			1	(BX) MISC. OFFICE SUPPLIES (STAPLES,BINDERS)	
15532			1	HAWORTH HANGING TABLE	
15533			1	HAWORTH HANGING TABLE	
15534	13790	13401055150	1	IBM PC MODEL 5150	
15535		515310274947	1	IBM MONITOR MODEL 5153	
15536		53499595160	1	IBM PC-XT MODEL 5160	
15537		0258409	1	IBM MONITOR MODEL 5153	
15538	13835	12408605160	1	IBM PC-XT MODEL 5160	
15539		065320	1	IBM MONITOR MODEL 5153	
15540	12061	089-2651604026706	1	IBM PC-XT MODEL 5160	
15541		0289654	1	IBM MONITOR MODEL 5153	
15542	13831	089-725160-4261776	1	EA. IBM PC-XT MODEL 5160	
15543		0289577	1	IBM MONITOR MODEL 5153	
15544		1801449	1	IBM KEYBOARD	
15545		55603	1	IBM KEYBOARD	
15546		2044052	1	IBM KEYBOARD	
15547		HE191035027	1	HYUNDAI KEYBOARD	
15548	15434	MBQHA210405805	1	HYUNDAI MONITOR MODEL # HCM-423E	
15549		0331003774	1	WYSE KEYBOARD	
15550	13986		1	Q-LOGGER W/SONIC STAR SYSTEM	
15551	13987		1	Q-LOGGER W/SONIC STAR SYSTEM	
15552	14171		1	Q-LOGGER W/SONIC STAR 2	
15553	14172		1	Q-LOGGER W/SONIC STAR 2	
54			1	OFFICE CHAIR - BROWN	
15555	14066		1	WHITE TABLE 30 x 48	
15556	9465		1	OFFICE CHAIR - BROWN	
15557	4275		1	OFFICE CHAIR - BROWN VINYL	

SURPLUS/UNCLAIMED PROPERTY LISTING

P. 3

CHESTNUT WAREHOUSE

SALES #	INV. #	SERIAL #	QTY	DESCRIPTION / BRAND / MODEL	TRANSFERRED TO
15558		41-48664	1	IBM 3268 PRINTER	
15559			1	BOX OF RIBBONS FOR 3268 PRINTER	
15560		5209726	1	IBM KEYBOARD	
15561		2004182	1	IBM KEYBOARD	
15562			1 BX	MISC. OFFICE SUPPLIES	
15563			1	PAC TEL TRANSPORTABLE PHONE MODEL TCT-100	
15564			1	NOVATEL TRANSPORTABLE PHONE MODEL 8305A	
15565			1	MOTOROLA TRANSPORTABLE PHONE MODEL 52287A	
15566	11162		1	COMPUTER WORK TABLE	
15567	9107		1	WORK TABLE	
15568	13371	13049	1	3430-A01 TAPE DRIVE	
15569	4271		1	OFFICE CHAIR - BROWN	
15570			1	OFFICE CHAIR - BROWN	
15571	4236		1	OFFICE CHAIR - BROWN	
15572	4253		1	OFFICE CHAIR	
15573			1	OFFICE CHAIR - BROWN	
15574	4266		1	ARM CHAIR - BROWN	
15575			1	DATA RACK ROLLING/BEIGE	
15576			1	DATA RACK ROLLING/BEIGE	
15577	6514		1	DESK WOOD/BROWN	
15578			1	SOUND WRITE PRINTER COVER	
15579	9644		1	DATA RACK - WOOD GRAIN BROWN	
15580			1	OFFICE CHAIR - BROWN	
91	12797	72-1034406	1	IBM CPU	
15582	12687	113178365	1	IBM PRO PRINTER	
15583			1 BX	MISC. OFFICE SUPPLIES	
15584			1 BX	MISC. OFFICE SUPPLIES	

ATTACHMENT C
 MODESTO POLICE DEPARTMENT
 SURPLUS/UNCLAIMED PROPERTY LIST

SURPLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14918	95-18949	Cordless drill & drill bits	
14919	95-31245	Portable Cellular Telephone	
14920	95-51329	California mobile cellular phone w/ case	
14859	95-58023	Audiorox cellular phone	
14921	95-36661	Uniden cordless telephone handset	
14860	95-57146	Philco AM/FM car radio	
14861	95-39972	Dictaphone	
14862	95-45316	Sony AM/FM 2 band receiver	
14863	93-108118	Concord 50 watt stereo amplifier	
14864	95-40872	Nokia cellular phone	
14865	95-47198	Magnavox AM/FM stereo receiver	
719	95-29959	AT&T cellular phone	
14722	95-46418	Ericson digital cellular phone	
14726	94-14486	Motorola cellular phone	
14728	95-48635	Super Soaker	
15031	95-48635	Super Soaker	
14274	94-14486	Motorola cellular phone w/ bag	
14729	95-59136	Kodak 35mm camera	
14728	94-112487	Audiorox car stereo	
14534	94-112487	Stereo speaker Box	
14781	94-112487	JBC Amplifier	
14405	94-75122	Audiorox AM/FM car stereo	
14530	95-67941	JVC VCR	
14276	95-38344	Sony tape player (broken)	
14275	95-38344	Magnavox tape/cd player (broken)	
14277	93-72080	DeWalt cordless drill	
14255	94-42215	ladies Premiere shoes (new)	
14259	94-42215	Gents Volt shoes (new)	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

SURPLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14896	93-100413	Janita hand held digital gram scale	
14897	93-100413	Unidex hand held scanner	
14898	89-98509	Realistic programmable scanner	
14899	93-108118	Jensen detachable AM/FM car stereo	
14900	94-14438	Bearcat programmable scanner	
14901		Realistic 40 channel transceiver	
14902	93-108118	Astra front loading VCR	
14903		Oster electronic postal scale	
14904		Janita hand held digital gram scale	
14905	94-14747	Janita hand held digital gram scale	
14906	94-14747	Sharp electronic memo master	
14908		Technophone hand held cellular flip phone	
14909	93-108118	Bazooka stereo speaker	
14910	93-108118	Blue & white Georgetown starter jacket	
14911	94-15071	Smith Corona electric typewriter	
14912		(7) seven fur stoles	
14913		NEC telephone	
14914		Soundesign telephone	
14915		AT&T wall mount telephone	
14943	94-101094	BROWN BRIEFCASE	
14944	"	AT&T MLS-6 PHONE	
14945	"	SHARP EL-1056 CALCULATOR	
14946	"	AT&T MLS-6 PHONE	
14947	"	AGAIN & AGAIN NICAD POWER PACK	
148	"	PIONEER PD M453 CD PLAYER	
15066	"	TEXAS INST. TI-99/4A COMPUTER	
14949	"	" " 99/4A COMPUTER	
14950	"	" " TI-99/4A " "	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

SURPLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14412	93-90317	Grey metal tool box w/ misc. tools	
14413	93-90317	Cooustic 380 Amplifier) 250 watts	
14414	93-90317	large 2 1/2' x 1' stereo speaker	
14717	92-3783	Contec television set	
14415	93-51507	Kenmore sewing machine)	
14416	93-51507	CB Radio	
14417	93-51507	Merions) telephone)	
14418	93-51507	M E Answerphone	
14419	93-51507	Motorola) CB radio	
14420	93-51507	Autofocus insta camera)	
14421	93-51507	Midland CB radio	
14424	93-51507	Samsonite suitcase)	
14425	93-51507	Magestic AM/7M cassette player)	
14426		Zenith television set	
14427	93-51507	Samsonite suitcase)	
14428	93-51507	Samsonite suitcase)	
14429	93-51507	Dow May tennis racquet	
14430	93-51507	Spalding tennis racquet	
146	91-78269	Pioneer reel to reel tape) recorder)	
14405		Red Thunder speaker box	
14495		Red Thunder stereo speaker) box	
	89-96390	Pyramid stereo speaker	
	89-96390	Pyramid stereo speaker	
14434	94-32836	hydraulic jack)	
'884	94-85250	Motorola) cell phone in blk case)	
14893	90-4607	7 sets of hand crafted military figures) (antique)	
14894	95-20412	Dolby AM/7M car stereo (pullout)	
14895	93-100413	stereo power) amplifier	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

PLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14991	94-11058	(2) two silver candle holders	
14987	94-35745	Combat AR25 Amplifier	
14988	94-35745	Unk Brand cross over	
14986	94-79412	Merwood P/u. AM/FM cassette stereo	
14985	94-90914	Sony Amplifier	
14984	94-90914	Cooustic Amplifier	
14989	94-97781	Roadmaster equalizer	
14992	95-24811	Red metal tool box w/misc tools	
14993	95-20023	(12) twelve baseball cards	
14994	94-89420	Sony car stereo	
14995	94-89420	Cooustic equalizer	
14996	94-89420	car stereo	
14997	Unk Case #	24 flashlights	
14998	94-36092	stereo speaker	
14999	95-15058	Pioneer car stereo	
15000	94-44852	Super Soaker	
14990	94-89378	Sony Walkman	
15001	94-80332	Brown, wood, walking cane	
13623	94-88469	Rockford Jurgate amplifier	
13622	94-88469	Pioneer AM/FM car stereo	
13618	93-80206	Alpine AM/FM car stereo	
13616	93-95841	Targa AM/FM car stereo	
13617	93-106238	Alpine AM/FM car stereo	
13619	93-69507	Price Pfister faucet (new)	
3620	94-53942	Remington limb and trim 8" chain saw	
13624	94-53942	Sony AM/FM Walkman	
15002	94-114091	stereo face plate	
14892	94-112969	Sanyo AM/FM cassette player, Boy Scout pen	

91-78269 = Auction 14672

Pioneer reel to reel

tape recorder

NC

O POLICE DEPARTMENT

UNCLAIMED PROPERTY LIST

SURPLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14507	95-7254	Display stand	
14529	95-7254	suitcase	
14528	95-7254	suitcase	
14769	95-19179	tape & program loader	
1462	91-78269	Pioneer reel to reel tape recorder	
14885	93-95796	Toshiba cordless phone	
14220		ladies ankle length coat size large, color blk	
14221		ladies blk leather vest size 34	
14222		ladies blk leather ankle length coat	
14219		black suede jacket, size medium	
14223	95-24939	gents brown leather jacket size 38	
886		Automatic coffee maker	
14887	94-92698	Blk metal tool box w/ misc tools	
14924	91-34907	UNIDEN HANDHELD SCANNER	
14925	" "	REALISTIC PRO-2009 SCANNER	
14926	94-31893	BALLAST GENERATOR	
14252	94-39075	REALISTIC HAND HELD SCANNER PRO 42	
14253	94-39075	RED TOOL BOX	
14408	94-92698	Quwa walkman	
14937	93-93454	BLUE TOOL BOX W/MISC TOOLS	
14938	"	ROAD SAFETY KIT	
14939	"	KRACO CAR STEREO EQUALIZER	
14940	"	REALISTIC CAR EQUALIZER	
14941	"	PANASONIC CAR CASSETTE PLAYER	
942	"	TWO SML CAR SPEAKERS	
14888	94-43735	Makita cordless drill	
14889	93-105568	Sony AM/FM cassette player	
14891	94-6766	Phico AM/FM cassette player	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

PLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14483	93-1949	Super Nintendo game player w/ controls	
14506	93-1949	PHMDC AM/PM stereo recorder	
14486	93-1949	(15) fifteen Nintendo game cartridges	
14487	93-1949	(6) six Nintendo game cartridges	
14923	93-20915	Nintendo entertainment system, 9 game cartridges	
14922	93-20915	Nurbograph game player and accessories	
14490	93-88714	Sharp Fax machine	
14872	89-96390	Majestic stereo amplifier	
14871	89-96390	Sanyo stereo amplifier	
14873	89-96390	(1) Sony stereo speaker (2) Pyramid speakers	
14870	89-96390	Kenwood am/fm car stereo	
14433	93-103237	Interstate car battery	
14877	93-93159	Stylendia hand held cassette player	
14875	93-93159	35 MM camera	
14880	93-93159	Conair cordless phone	
14879	93-93159	sewing kit	
14876	93-93159	Krao AM/PM car stereo	
14878	93-93159	Quiva (walkman type) cassette stereo	
14882	93-93159	Cannon hand held calculator	
14883	93-93159	hand held calculator	
14881	93-93159	Sony walkman	
14812	80-10186	Montgomery Ward 8mm projector	
14422	80-10186	JVC portable TV set	
14829	80-10186	Hranada CB set w/ antenna and microphone	
14435	86-26843	lawnmower	
14436	91-53937	tire	
14437	91-53937	tire	
14438	89-96136	air compressor	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

PLUS NUMBER	M. P. D. CASE #	DESCRIPTION	SERIAL NUMBER
14813	UNK Case #	Black metal case w/ misc tools	
14820	UNK Case #	Blue plastic case w/ misc tools	
14423	95-41969	Sears 19" TV set	
14855	93-5248	Blaupunkt car stereo	
14856	93-5248	Panasonic car CD player	
14857	93-2596	JVC car stereo	
14779	no cap	BEARCAT SCANNER & ACCESSORIES	
14858	" "	CELL. PHONE ACCESSORY	
14815	88-20613	Box containing 17 record albums	
14816	93-92289	Pioneer 9 band equalizer	
14821	93-92289	Pioneer Amplifier	
14822	93-92289	Inco fan	
14825	93-92289	Case w/ cassette tapes	
14783	93-92289	Fisher amplifier	
14787	93-92289	Audiovox equalizer	
14790	93-92289	Audiovox AM/FM Cassette stereo	
14784	93-92289	MetroSound equalizer	
14792	93-92289	Sony AM/FM cassette stereo	
14786	93-92289	Kenwood AM/FM car stereo	
14785	93-92289	JSE AM/FM car stereo	
14791	93-92289	Sony AM/FM car stereo	
14493	93-92289	EVM 200 watt speaker	
14494	93-92289	EVM 200 Watt speaker	
14492	93-92289	stereo speaker (Kicker)	
1801	93-92289	Black case w/ misc cassette tapes	
14405	93-92289	Wilson tennis racket	
14825	UNK Case #	1 pair of crutches (aluminum)	
14826	95-11488	tool box w/ misc tools	

14763	95-32802	Skilsaw 7 1/4" Circular saw	
14771	95-32802	Black & Decker 3/8" elec. drill	
15005	95-32802	Sears Craftsman 3/8" elec. drill	
15004	95-32802	Black & Decker 3/8" elec. drill	
15003	95-32802	Black & Decker 3/8" elec. drill	
14122	95-32802	Black & Decker 3/8" elec. drill	
14766	95-32802	Sears Craftsman Serr. saw	
15006	Unk. Case	Polaroid Instamatic Camera	
14768	Unk Case	Polaroid Instamatic Camera in blk case	
14769	95-19179	Westinghouse CRT Program loader NPL 780	
14767	95-32802	Makita 3/8" elec. drill	
15030	92-78483	JVC cassette car stereo	
15025	95-20412	Craig (pull out) cassette car stereo	
15026	95-20412	Magnavox Compact Disc player	
14765	92-78483	Nokia cellular phone	
14764	Unk case	Zapco battery charger	
15028	796	Pac Bell telephone	
15029	89-57273	Phone mate answering machine	89-57273
14998	94-36092	car stereo speaker	
14996	94-89420	VW car stereo S/N 241339	
14995	94-89420	Concave equalizer S/N 400691	
14994	94-89420	Sony car stereo S/N 19894	
15002	94-114091	Car stereo face plate	
14504	94-8335	Black leather jacket	
1492	95-22895	Black metal tool box w/ misc. tools	
14502	95-22895	One pair of jumper cables	
14535	94-112290	Panasonic computer printer	
14537	95-25349	Wheel chair	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

RPLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14714	94-16238	Skil belt sander	5/8/95
14715	95-36757	Boss AM/PM car stereo S/N D9104427	
15059	94-24902	CONCORD CAR AMPLIFIER	606709
15070	" "	AMERICAN HI FI CAR EQUALIZER	
15072	94-112168	25 CD'S VARIOUS ARTISTS	
14717	92-3783	Contec TV	
14696	93-83700	Sony Walkman, AM FM Radio	
14960	94-112775	Pactel Cellular phone	
14961	94-104506	Motorola Cellular One Car phone	
14962	91-7386	Panasonic Cellular phone	
14963	Unk. Case #	2 (two) Merry baby monitors	
14964	Unk Case #	2 (two) Realistic hand held scanners	
14965	Unk. Case #	Cambridge Bible	
14966	94-92544	Blk canvas suitcase	
14972	94-110676	Child rocking chair	
14971	95-19720	Wood Clock	
14973	94-38207	Majestic cassette player S/N 91110437	
14974	94-38207	Pioneer CD player S/N NH071274	
14976	94-38207	two (2) Alpine speakers	
15069	95-20557	VCR - ALPHA MICRO	
14980	94-111217	two (2) Polk audio speakers	
15067	95-16242	DAM MODEL 550N FISHING REEL	
15068	" "	FISHING POLE	
15065	94-36723	MOTOROLA HANDHELD RADIO	
15064	" "	CHECK GARD MACHINE	
14981	94-102276	Motorcycle helmet	
14982	94-78795	Realistic hand held scanner	
14983	94-65936	Jumper cables	

MODESTO POLICE DEPARTMENT

SURPLUS/UNCLAIMED PROPERTY LIST

PLUS NUMBER	M.P.D. CASE #	DESCRIPTION	SERIAL NUMBER
14827	86-50651	Wood grain VCR tape holder	
14828	89-34348	Realistic hand held scanner	
14844	90-65013	"Sentry 1100" fire safe	
14845	90-67122	Radio Shack directory. scheduler. clock	
14846	90-67122	Janita digital gram scale	
14996	94-89420	VW car stereo S/N 241339	
14995	94-89420	Coastie equalizer S/N 400691	
14994	94-89420	Sony car stereo S/N 19894	
14998	94-36092	Polaris stereo speaker	
14485	95-38330	two table lamps	
11648	88-60605	Matsushita TV	
11648	88-60605	Sony TV	
11643	88-60605	Grundig stereo	
11639	88-60605	Sylvania TV	
11645	88-60605	stereo speaker	
11646	88-60605	stereo speaker	
11644	88-60605	group stereo receiver	
11647	88-60605	group disc player	
15026	95-20412	Magnavox CD player	
15025	95-20412	Craig pull-out car stereo	
11623	86-50651	Grunk TV	
14828	89-34348	hand held scanner	
15002	94-114091	stereo face plate	
14848	94-88469	stereo face plate	
1849	88-86953	Brown leather jacket	
14411	92-47620	Grey metal tool box w/ misc tools	
14489	93-1949	Sharp AM/FM cassette player	
14488	93-1949	AM/FM cassette player "Sony"	

14482	95-18112	Pruning shears	
14484	95-18112	Pruning shears extension	
14536	94-42705	3 Comp Keyboard	
14533	94-42705	Kaypro II Computer	
14532	94-42705	Bondwell Portable computer	
14773	94-81082	Motrola radio charges (2) Walkie talkies (2)	
14759	93-70016	MCI 35mm camera	
14772	95-33405	(3) three motrola radio chargers	
14754	93-13929	Kenwood AM/FM Car stereo	
14755	93-13929	Kenwood AM/FM Car stereo	
14756	93-13929	Competition 150 Amplifier	
14757	93-25485	Wall lamp	
14758	93-85377	Pioneer AM/FM Cassette stereo	
14775	94-92698	"Mr Coffee" coffee grinder	
14762	94-33274	"Hitachi" charger	
14761	93-55184	(52) Baseball cards	
14774	94-104530	(2) two stereo speakers	
14607	95-10248	Brown leather vest	
14778	Unk Case #	22 flashlights	
14780	Unk Case #	6 spotlights	
14811	Unk Case #	assorted tools	
14422	80-10186	JVC portable TV set	
14812	80-10186	Montgomery Ward 8mm movie projector	
14793	Unk. Case #	Polaroid one step camera	
14809	93-92289	Aviator sunglasses	
14817	Unk Case #	plastic case w/misc hand tools	
14818	Unk Case #	Red metal case w/misc. hand tools	
14819	Unk Case #	Blue metal case w/misc. hand tools	

RESOLUTION 95-492

NOT USED

RESOLUTION 95-492

not used

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-493

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR TRANSPORTATION ENHANCEMENT ACTIVITIES UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT FOR DRY CREEK LAND ACQUISITION.

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) designates that ten percent of the Surface Transportation Program (STP) will be used to fund Transportation Enhancement Activities (TEA), and

WHEREAS, TEA projects are those which improve the physical environment; and through this program, ISTEA reflects a growing recognition that transportation programs vital to nation mobility and international competitiveness also include consideration of the overall environmental context and community values and setting, and

WHEREAS, Transportation Enhancement Funds are to be used for transportation related projects that enhance quality of life in or around transportation facilities, projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a land acquisition project,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for Transportation Enhancement Activities under the Intermodal Surface

Transportation Efficiency Act for , federal grant assistance for the Dry Creek Land Acquisition project.

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

3. Certifies that funds under the jurisdiction of the City Council are available to begin the project.

4. Appoints the City Manager as the 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 10th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ch. 13

13

MODESTO CITY COUNCIL
RESOLUTION NO. 95-494

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR TRANSPORTATION ENHANCEMENT ACTIVITIES UNDER THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT FOR THE HETCH HETCHY BICYCLE TRAIL.

WHEREAS, the Intermodal Surface Transportation Efficiency Act (ISTEA) designates that ten percent of the Surface Transportation Program (STP) will be used to fund Transportation Enhancement Activities (TEA), and

WHEREAS, TEA projects are those which improve the physical environment; and through this program, ISTEA reflects a growing recognition that transportation programs vital to nation mobility and international competitiveness also include consideration of the overall environmental context and community values and setting, and

WHEREAS, Transportation Enhancement Funds are to be used for transportation related projects that enhance quality of life in or around transportation facilities, projects must be over and above required mitigation and normal transportation projects, and the project must be directly related to the transportation system, and

WHEREAS, the applicant will enter into an agreement with the State of California to carry out a bicycle trail construction project,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Approved the filing of an application for Transportation Enhancement Activities under the Intermodal Surface Transportation Efficiency Act for , federal grant assistance for the Hetch Hetchy Bicycle Trail project.

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

3. Certifies that funds under the jurisdiction of the City Council are available to begin the project.

4. Appoints the City Manager as the 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 10th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Michael D. Milich
MICHAEL D. MILICH, City Attorney

Bul

MODESTO CITY COUNCIL
RESOLUTION NO. 95-495

A RESOLUTION CONSENTING TO A CHANGE IN STOCK
OWNERSHIP OF GILTON SOLID WASTE MANAGEMENT,
INC.

WHEREAS, Ordinance No. 2872-C.S., grants a license to Gilton Solid Waste Management, Inc., a California Corporation, to collect garbage, industrial garbage, and salvageable waste, including recyclable materials, in the City of Modesto, and

WHEREAS, Section 5-5.30 of the Modesto Municipal Code provides that no stock in a company which has a license from the City of Modesto for the collection of garbage and industrial garbage may be transferred without the prior written consent of the City Council granted after a public hearing thereon, and

WHEREAS, Eugene Gilton and Leroy Gilton, the two principal shareholders of Gilton Solid Waste Management, Inc., have requested a transfer of stock in the company, effective January 1, 1996, to their heirs who are presently active in the company, and

WHEREAS, the requested change in stock ownership in Gilton Solid Waste Management, Inc., a California Corporation, is for authorization to transfer Eugene Gilton's and Leroy Gilton's majority stock ownership in Gilton Solid Waste Management, Inc., to Eugene Gilton's children, Richard Gilton and Tedford Gilton, and to Leroy Gilton's children, Donna Love and Karen Ballard, and

WHEREAS, said stock transfer will be accomplished through a stock redemption plan whereby the corporation will

repurchase the shares of stock owned by Eugene Gilton and Leroy Gilton, resulting in all of the outstanding shares being owned by their aforementioned heirs, and

WHEREAS, a duly noticed public hearing was held by the Council on October 17, 1995, at 7:00 p.m., at which hearing the requested change for the stock transfer in stock ownership in Gilton Solid Waste Management, Inc., a California Corporation, as set forth above was considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby gives consent for a change in the present stock ownership of Gilton Solid Waste Management, Inc., a California Corporation, from Eugene Gilton and Leroy Gilton to their heirs, Richard Gilton, Tedford Gilton, Donna Love, and Karen Ballard.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-496

A RESOLUTION GRANTING THE REQUEST OF AMERICAN
MEDICAL RESPONSE, INC. TO OPERATE FOUR
ADDITIONAL AMBULANCES.

WHEREAS, Modesto City Council No. 94-206, adopted on
April 19, 1994, transferred the Certificate of Public Convenience
and Necessity to operate a limited ambulance service in the City
of Modesto, previously issued to 911 Emergency Services, Inc.,
dba Mobile Life Support, to American Medical Response, Inc. for a
total of eight (8) ambulances, and

WHEREAS, Doctors Ambulance Company has operated an
ambulance company within the City of Modesto for several years,
and

WHEREAS, American Medical Response, Inc., has acquired
Doctors Ambulance Company, and three (3) Doctors ambulances have
been suspended from operating, and

WHEREAS, American Medical Response, Inc., has requested
that the City authorize American Medical Response to operate four
(4) additional ambulances, and

WHEREAS, Chapter 8 of Title III of the Modesto
Municipal Code regulates the licensing of ambulances in the City
of Modesto, and

WHEREAS, Section 3-8.10 of the Modesto Municipal Code
provides that any person holding a license to operate one or more
ambulances, who desires to add to the number of such vehicles,
shall do so only by obtaining a license therefor from the

Council, which shall be granted only upon application made in the same manner and under the same proceedings as are required in the instance of obtaining the original license as required by the Modesto Municipal Code, and

WHEREAS, Section 3-8.07 of the Modesto Municipal Code states that no license for the operation of an ambulance may be sold, assigned, mortgaged, or otherwise transferred without the consent of the Council, and

WHEREAS, Section 3-8.05.1 of the Modesto Municipal Code requires that in determining whether the public convenience and necessity require the operation of an ambulance service for which application is made, in this instance an additional four ambulances, the Council shall hold a public hearing as may be necessary to determine that fact, and

WHEREAS, as required by Section 3-8.05.2 of the Modesto Municipal Code, the City Manager has caused the Police Chief of the City of Modesto to make an investigation and report, in writing, to the City Council on said request to add four ambulances, and

WHEREAS, the City Council held a duly noticed public hearing on October 17, 1995, at 7:00 p.m., in the City Council Chambers in City Hall, located at 801 11th Street, Modesto California, to consider this matter,

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

1. That the public convenience and necessity requires the operation of four additional ambulances to the ambulance service furnished by American Medical Response, Inc., and that such service will promote the convenience, safety and welfare of the general public.

2. That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting wounded, injured or sick persons.

3. That the name American Medical Response, Inc., and the color scheme, insignia, monogram or other distinguishing characteristics proposed to be used upon such ambulances are not in conflict with and do not imitate any color scheme, insignia, monogram or other distinguishing characteristics used by any other company, in such a manner as to mislead or tend to mislead, deceive, or defraud the public.

4. That such ambulance service in the City is required by the public convenience and necessity and that American Medical Response, Inc., is a company fit, willing, and able to perform ambulance service and able to conform to the provisions of Chapter 8 of Title III of the Modesto Municipal Code, and such rules and regulations as may be promulgated by the Council.

BE IT FURTHER RESOLVED that the permit previously issued to American Medical Response, Inc., to operate a ambulance service in the City of Modesto shall allow for four additional ambulances. Said ambulance service shall operate

under the name of American Medical Response, Inc., and a total number of twelve (12) ambulances may be operated under said certificate.

BE IT FURTHER RESOLVED that after American Medical Response, Inc., has complied with all of the requirements of Chapter 8 of Title III of the Modesto Municipal Code, the City Clerk of the City of Modesto is hereby authorized to issue a Certificate of Public Convenience and Necessity to American Medical Response, Inc., for the purpose of operating twelve (12) ambulances as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by ~~Mayor Lang~~ Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-497

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(510). (ISADORE
KURLAND)

WHEREAS, a verified application for an amendment to
Section 7-3-9 of the Zoning Map was filed by Isadore Kurland on
July 31, 1995, to reclassify from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D, to allow a 22-unit, one-
story senior housing development, property located on the west
side of Carver Road south of Standiford Avenue, 3401 Carver Road,
described as follows:

R-1 to P-D(510)

ALL that certain real property situate in a portion of
the Southwest quarter of Section 7, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follow:

Beginning at the Northeast corner of Parcel 1 as shown
on that certain official Parcel Map filed in the office
of the Recorder of Stanislaus County, California, on
August 31, 1979, in Volume 29 of Parcel Maps, at Page
88; thence along the North line of said Parcel 1, North
88°16'03" West 229.99 feet to the Northwest corner of
said Parcel 1; thence North 200.00 feet; thence South
88°16'03" East 250.00 feet to the center line of
original 40.00 foot wide Carver Road; thence along said
center line South 200.00 feet to the Easterly
prolongation of said north line of Parcel 1; thence
along said prolongation 30.00 feet to the Northeast
corner of said Parcel 1 and the point of beginning of
this description.

and

WHEREAS, after a public hearing held on September 25,
1995, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 95-17, that rezoning of the

property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone for senior housing units will contribute to the variety of housing types allowed in the Residential (R) and Mixed Use (MU) areas designated for this portion of the neighborhood previously known as Goldsworthy.
2. The senior housing development is directly served by the City's transit system which provides service along Standiford Avenue.
3. The approved plot plan, along with required fencing, screen landscaping, and conditions of approval will assure this senior housing development will be compatible with the adjacent residential neighborhood.

and

WHEREAS, after a public hearing held on October 17, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Isadore Kurland 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. 95-17 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2957-C.S. on the 17th day of October, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(510).

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(510), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Valley Heights" as amended in red, stamped approved by the City Council on October 17, 1995.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the west property lines. 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-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the north and south property lines, and portion of the west property line adjacent to the end dwelling units.
 - b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along a portion of the west property line adjacent to the parking area between the end dwelling units.
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 Public Works 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 Public Works 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 Public Works and Transportation

Director. Improvements shall be constructed in accordance with the approved plans.

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
9. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
10. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
11. 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.
12. All signs shall comply with the sign requirements of the R-3 Zone.
13. This development shall be designed specifically for occupancy by the elderly, and to the extent permitted by law, occupancy shall be limited to persons 62 years of age and older, their spouses, and persons who are physically handicapped. Any proposed change in occupancy shall be preceded by notice to the respective school district by the applicant.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(510):

The entire construction program be accomplished in one phase, construction to begin on or before September 25, 1997, and completion to be not later than September 25, 1998.

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 X 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(510), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-498

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM R-1 TO P-D(510). (ISADORE KURLAND)

WHEREAS, on August 23, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(510), property located on the west side of Carver Road south of Standiford Avenue, 3401 Carver Road might have a significant effect on the environment, and

WHEREAS, the EAC recommended that a draft negative declaration for said project be prepared, and

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the EAC identified no long-term environmental impacts with the project, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including the comments received in response to such proposed negative declaration.

SECTION 2. The City Council hereby finds that on the basis of information contained in the proposed negative declaration and the staff report that there is no substantial evidence that the project will have a significant effect on the environment and the Council does hereby approve the proposed negative declaration for said project. The Council further finds that the negative declaration reflects the Council's independent judgment.

SECTION 3. The Community Development Services Manager of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Dobbs, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

EA RESOLUTION

1 Attorney
1 CDD - Const. Admin.
1 CDD - George Osner
3

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-499

A RESOLUTION AMENDING SECTION 1 OF
RESOLUTION NO. 80-1255 ENTITLED "A RESOLUTION
APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE P-D(287)." (ARCHITECTURE
PLUS)

WHEREAS, the Modesto City Council, by Ordinance No. 2004-C.S., which was introduced on December 9, 1980, finally adopted on December 16, 1980, and which became effective on January 15, 1981, amended Section 22-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(287), property located at the southwest corner of Oakdale Road and Orangeburg Avenue, and

WHEREAS, Modesto City Council Resolution No. 80-1225 which was adopted on December 9, 1980, approved the development plan for Planned Development Zone, P-D(287), and contains the conditions of approval thereof, and

WHEREAS, Modesto City Council Ordinance No. 2060-C.S., which was introduced on July 7th, 1981, finally adopted on July 14, 1981, and which became effective on August 13, 1981, amended Section 2 of Ordinance No. 2004-C.S., to allow office condominiums to be developed along with a residential condominium project on property located at the southwest corner of East Orangeburg Avenue and Oakdale Road, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(287), was filed by Architecture

Plus to convert office space to a radio station on the property located south of east Orangeburg Avenue, west of Oakdale Road, and

WHEREAS, after a public hearing on October 2, 1995, and continued to October 16, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 95-20, that amendment of Planned Development Zone, P-D(287), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed P-D Amendment is in accordance with community objectives as set forth in the General Plan, which provides for radio station in the Mixed Use (MU) designation.
2. The proposed radio station involves an interior remodeling only and occupies a relatively small portion of the existing office building complex.
3. There are no additional external impacts by the proposed radio station such as additional traffic not associated with regular office use and there will be no air-wave impacts such as neighborhood radio and television interference.

WHEREAS, by Resolution No. 95-20 the Planning Commission recommended to the Council that Planned Development Zone, P-D(287), be amended to convert office space, previously occupied by Wolverine Real Estate, to a radio station on the property located south of East Orangeburg Avenue and west of Oakdale Road, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in

the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:00 p.m. on October 17, 1995, and

WHEREAS, after said public hearing held on October 17, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Architecture Plus for an amendment to Planned Development Zone, P-D(287), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 95-20 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2958-C.S. on the 17th day of October, 1995, amending Section 2 of Ordinance No. 2004-C.S as previously amended by Ordinance No. 2060-C.S., to convert office space to a radio station,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 80-1255 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(287)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(287), is hereby approved subject to the following conditions:

1. "All development shall conform to the plot plan and floor plans titled "KDJK 95.1 FM" as amended in red, stamped approved by the Planning Commission on October 2, 1995.
2. 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 Public Works and Transportation Director.

3. All conditions of P-D(287) not in conflict with this action shall remain in full force and effect.
4. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. 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 subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY 
MICHAEL D. MILICH, Acting City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-500

A RESOLUTION ACCEPTING THE BID OF CENTRAL COATING COMPANY, INC., FOR THE DIGESTERS NO. 1 AND 2 FOAM COATING REPAIR

WHEREAS, the bids received for the Digesters No. 1 and 2 Foam Coating Repair were opened at 2 p.m. on September 19, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Central Coating Company, Inc., in the amount of \$27,841.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Coating Company, 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 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-501

A RESOLUTION ACCEPTING WOODMAN WAY WATERLINE FROM TULLY ROAD TO COLLEGE AVENUE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the "Woodman Way Waterline from Tully Road to College Avenue" project, has been completed by EBC Integrated Solutions, in accordance with the contract agreement dated December 6, 1994.

NOW, THEREFORE, BE IT RESOLVED that the "Woodman Way Waterline from Tully Road to College Avenue" project, be accepted from said contractor, EBC Integrated Solutions; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$53,097.95 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 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-502

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF EIGHT (8) USED LATE MODEL SEDANS FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION

WHEREAS, Municipal Code Sections 8-3.202.h and 8-3.203.d allow for the approval by Council to join with the State of California and other units of government in cooperative purchasing plans and to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of eight (8) used late model sedans for Fiscal Year 1995-96 is hereby waived.

BE IT FURTHER RESOLVED that purchase of eight (8) used late model sedans for Fiscal Year 1995-96 from the best available competitively bid or cooperative contract source, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-503

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PARSONS/BRINCKERHOFF FOR THE BUS MAINTENANCE FACILITY/FTA GRANT APPLICATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Parsons/Brinckerhoff for the Bus Maintenance Facility/FTA Grant Application Project be, and it is hereby approved.

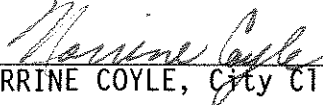
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was on roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 95-504**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDING TO A NEW CIP PROJECT ENTITLED CORPORATION YARD STUDY.

WHEREAS, given the state of the existing facilities, and realizing the city's transit fleet would continue to grow, it became clear that a new, modern, expanded facility needed to be built.

WHEREAS, staff, in cooperation with the Stanislaus Area Association o Governments, was able to secure funding from the State Transit Assistance Fund for the purpose of pursuing Federal Transportation Administration (FTA) Grant to design and construct a new bus maintenance facility. This funding source is specifically targeted for the Modesto facility and is designated as such in SAAG's programming documents. However a portion of the new Facility would be for the replacement of the existing Corpotion Yard.

WHEREAS, the agreement with the consultant calls for two major tasks to be completed. First, the consultant will be assessing the City's current "Corporation Yard", including the main Corporation Yard, the Bus Maintenance Facility, the Collection Division facility at the Wastewater Treatment Plant and the downtown police shop. The second major task will then be to focus on the Bus Maintenance Facility.

WHEREAS, funding in the amount of \$16,000 is necessary for the work to be done on the Corporation yard and the Police shop. These funds will come from the Fleet Management fund Contingency Reserve.

WHEREAS, the following adjustments are necessary:

740 Fleet Management Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
720-430-F808-6010	Corporation Yard Study	\$16,000
720-800-8000-8003	Fleet Management Fund Contingency Reserve	(\$16,000)

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 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

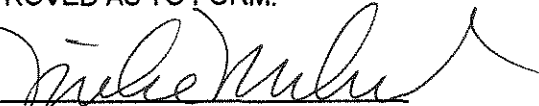
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-505

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING FOR PROFESSIONAL SERVICES TO UPDATE 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 Mid-Valley Engineering for professional services to update the Village One Facilities Master Plan 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 17th day of October, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-506

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1995-96 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to fund an agreement with Mid-Valley Engineering to update Village I Facilities Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1995-96 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

		APPROPRIATIONS		
FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET

Village I

Appropriations:

080-140-1433-0235	Professional Services, Other	0	86,380	86,380
080-800-8000-8003	Contingency Reserve	277,999	(86,380)	191,619


BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized 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 17th day of October, 1995, by Councilmember Cogdill, 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: Cogdill, Dobbs, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: Muratore

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-507

A RESOLUTION APPROVING A COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR USE OF MID RIGHT-OF-WAY - CLAUS ROAD AND BRIGGSMORE/PARKER ROAD IMPROVEMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the common use agreement between the City of Modesto and Modesto Irrigation District for use of MID right-of-way to install part of the roadway improvement for the Claus Road and Briggsmore Avenue/Parker Road intersection be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said common use 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 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-508

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:

Streets Superintendent

The revised specification for the classification of Streets Superintendent (Range 441), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Streets Maintenance Superintendent

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after October 17, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

STREETS SUPERINTENDENT

DEFINITION

To manage, direct and coordinate the activities of the Streets Organization in the Public Works & Transportation Department including street and sidewalk maintenance and repair, street sweeping and refuse collection; to coordinate street maintenance activities with other divisions and departments; to prepare operating and capital budgets; and to provide highly complex staff assistance to the Public Works & Transportation Director.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from a Deputy Director of Public Works and Transportation.

Exercises direct supervision over other management, technical, maintenance, and clerical staff.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Direct, oversee and participate in the development of the Division Work Program; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Organization's budget; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; review and recommend employee terminations.

Manage, direct and organize a program of street maintenance activities including asphalt and concrete maintenance, pavement markings, traffic signs, street sweeping and refuse collection.

Review capital improvement plans related to the assigned services and provide input regarding future maintenance activities.

Receive, investigate, and respond to citizen requests, suggestions and complaints.

Check street, sidewalk and related facilities and equipment for needed maintenance and repairs.

EXAMPLES OF DUTIES (continued)

Inspect work sites before, during and after completion to assure such is completed in a satisfactory and thorough manner; inspect work sites, equipment and tools for compliance with safety standards; inspect and approve work done by outside contractors.

Attend weekly safety meetings; ensure the adherence to safe work practices by street maintenance personnel.

Prepare various reports and direct special projects as required.

Supervise, train and evaluate assigned staff.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Materials, methods, practices and equipment used in asphalt and concrete maintenance and repair activities as well as refuse collection.

Types and level of maintenance and repair activities generally performed in a street and sidewalk maintenance and repair program.

Occupational hazards and standard safety precautions necessary in the work.

Principles and practices of supervision, training and personnel management.

Budgeting procedures and techniques.

Record keeping and reporting procedures.

Safe work practices.

Ability to:

Organize, direct and implement a comprehensive street and sidewalk maintenance program.

QUALIFICATIONS (continued)

Ability to:

Conduct studies, prepare comprehensive reports and determine cost effective ways for conducting the assigned maintenance activities.

Supervise, train and evaluate assigned staff.

Prepare and administer a budget.

Interpret and apply Federal, State and local policies, procedures, laws and regulations.

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

Communicate clearly and concisely, both orally and in writing.

Review new and innovative technology and evaluate cost benefit and effectiveness.

Respond to changing work environment through continuous evaluation of work processes and procedures.

Provide a participative management style while encouraging and motivating staff to a goal of team performance.

Support the City's Citizens First efforts in theory and practice.

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 and Training Guidelines (continued)

Experience:

Five years of increasingly responsible experience, performing street and concrete maintenance work, street sweeping and refuse collection, including three years of supervisory or lead responsibility.

Training:

Equivalent to an Associate of Arts degree from an accredited college with major course work in civil engineering, construction technology, business administration or a related field.

License or Certificate

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-509

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-310, TO AMEND THE CLASS
RANGE TABLE FOR STREETS SUPERINTENDENT.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "A" entitled "City of Modesto Class Range Table
Management and Confidential Non-Sworn Classes Effective June 27,
1995, attached to Resolution No. 95-310, 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 17, 1995", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" adopts the class specification which reflects a title
change for the position of Streets Superintendent at Range 441.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after October 17, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective October 17, 1995

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor
421	

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

422	Office Supervisor
423	Systems Analyst
424	Assistant Planner Asst. City Clerk/Auditor
425	Administrative Analyst I Executive Assistant Legal Services Supervisor
426	Stores Manager Museum Supervisor
427	Events Supervisor
428	Parks Maintenance Supervisor I Airport Maintenance Supervisor Trees Maintenance Supervisor I Equipment Maintenance Supervisor I Social Services Coordinator Buyer Accountant II Budget Analyst Public Works Supervisor I Building Maintenance Supervisor Customer Services Specialist
429	
430	Associate Planner Parks Construction Supervisor I Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Training Coordinator Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst
432	Plant Mechanic Supervisor Recreation Supervisor II Historical Buildings Supervisor Senior Accountant Youth Program Supervisor Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Systems Manager
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Business Development Officer Parks Planning and Development Manager Communications and Marketing Manager
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Superintendent
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Golf Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal

442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager

446 Senior Civil Engineer
Traffic Engineer

447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager

448 Sr. Deputy City Attorney II

449

Class Range Table

Management and Confidential Non-Sworn Class

Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-510

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND LAZARO VASQUEZ FOR THE PURPOSE OF REHABILITATING PROPERTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a financing agreement between the City of Modesto and Lazaro Vasquez for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said financing 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 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-511

A RESOLUTION ACCEPTING A GRANT OFFER IN STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FUNDS FOR FUNDING UNDER PROPOSITION 70 FOR PLANTING REPLACEMENT TREES.

WHEREAS, City staff has been notified that a grant application has been approved and signed by the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act), and

WHEREAS, trees will be planted in areas where replacement trees are needed due to vandalism or removal of aging or otherwise distressed trees, and

WHEREAS, up to ten percent of the grant funds will be used for educational materials,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act) for tree planting activities.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit amendments, payment requests and

other documents which may be necessary in relation to this grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION 95-512

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDS OF \$30,000 FROM A GRANT OFFER IN THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FUNDING UNDER PROPOSITION 70 FOR PLANTING REPLACEMENT TREES.

WHEREAS, City staff has been notified that a grant application has been approved and signed by the State of California Department of Forestry and Fire Protection for funding from the California Coastal, Wildlife and Park Land Conservation Act (1988 Proposition 70 Bond Act), and

WHEREAS, trees will be planted in areas where replacement trees are needed due to vandalism or removal of aging or otherwise distressed trees, and

WHEREAS, up to ten percent of the grant funds will be used for educational, and

WHEREAS, the following adjustments are necessary:

		Grant Revenue	
Fund/Agy/Org Revenues			Increase (Decrease)
010-320-3212-3134	State Grant - Parks and Recreation		\$30,000

		Grant Expense	
Fund/Agy/Org Expenditures			Increase (Decrease)
010-320-3212-1500	Urban Forestry Grant 95 - 96		\$30,000

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 17th day of October, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-513

A RESOLUTION GRANTING THE REQUEST OF THE
UNITED NATIONS ASSOCIATION FOR DIRECT CITY
ASSISTANCE ON UNITED NATIONS DAY, OCTOBER 24.

WHEREAS, an application requesting Direct City
Assistance was filed with the City Council at its meeting of
October, 17, 1995, by the United Nations Association, 2608 Van
Gogh Drive, Modesto, 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 Council deems it appropriate to grant the
request for Direct City Assistance to the United Nations
Association,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby grants the request of the United
Nations Association for Direct City Assistance for United Nations
Day, October 24, as requested in the application filed with the
City Council, a copy of which application is attached hereto.

BE IT FURTHER RESOLVED that the granting of this
request for Direct City Assistance shall serve from year to year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of October, 1995, by Councilmember McClanahan, 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: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AGENDA 10-17-95

20

INFORMATION ON DIRECT CITY ASSISTANCE

RECEIVED
MODESTO CITY CLERK

BACKGROUND

95 OCT 17 AM 11:03

The City of Modesto receives a number of requests each year from community organizations for assistance with special events and/or for financial assistance. Because the City has a limited budget and limited staff, all requests cannot be approved. Requests for assistance are also subject to requirements set by the Modesto City Council. For these reasons, all organizations requesting assistance must complete one or both of the required application forms.

ARE YOU REQUESTING DIRECT CITY ASSISTANCE? If your organization is planning a special event and wants to make use of City equipment, supplies and/or personnel, you will need to complete an Application for Direct City Assistance. Application forms are available in the City Clerk's Office. Applications will be reviewed by the affected department. Their recommendation will be considered by the City Council, who will decide which requests will be approved.

HOW WILL REQUESTS FOR DIRECT ASSISTANCE BE JUDGED? The policy for providing direct City assistance is covered in Modesto City Council Resolution No. 80-1066. Copies are available in the City Clerk's Office. The City will consider providing direct City assistance when it has the resources available and similar services, equipment or supplies are not readily available in the community. In addition, direct City assistance will only be provided when the needs and obligations of the City will not be adversely affected.

The City will consider providing assistance at no charge for the following types of events: community-wide events held on a recurring basis; co-sponsored events with the City of Modesto; money-raising events with all proceeds turned over to the City for public purpose. City assistance will be considered for the following types of events when the cost of the event is paid by the sponsoring organization: a fund raising event by a not-for-profit organization with proceeds used for charitable purposes; a non-fund raising event which is open to all Modesto residents who wish to participate.

C.C. Mayor
Council
Atty ✓
Mgr.
Dep. Mgr.
Parks Director

EVALUATION QUESTIONS

1. Is this request needed to support a community-wide event held on a recurring basis?

Yes No

Describe the event(s) UN Day - Annual Educational Event

If the answer is yes, how many years has the event been held in Modesto?

approx 20

2. Is this request for a fund-raising event?

Yes No

If the answer is yes, how will it be used? _____

3. Is the request for an event co-sponsored by the City of Modesto?

Yes No Other than participation of city official use of facility - If city wishes to

4. Have you attempted to obtain these services elsewhere in the community?

Yes No co-sponsor it would be fine - will list as co-spons. on flyers & posters -

If yes, where _____

GENERAL QUESTIONS

What Direct City Assistance are you requesting? Please briefly describe the supplies and services you will need.

Need 1 Long table in City Hall Courtyard (+ 2 umbrella tables near multi-purpose room to be relocated).
Multi-purpose room: set up 100 chairs, 1 podium, sound system with 1 mike, extension cord, trash can. Have already talked to George Martin & Bill Cameron.

AGENDA

APPLICATION FOR DIRECT CITY ASSISTANCE

Information - Please Read

The City Council of the City of Modesto has adopted the following criteria for Direct City Assistance:

The City will consider providing direct City assistance when it has available the personnel, equipment, and/or supplies and similar services, equipment or supplies are not readily available elsewhere in the community.

In addition, direct City assistance will only be provided when the needs and obligations of the City will not be adversely affected.

(For a complete statement of the criteria adopted by the City Council see Modesto City Council Resolution No. 80-1066.)

Any person or organization desiring Direct City Assistance from the City of Modesto shall submit the following information for approval.

United Nations Association
(Name of Organization)

2608 Van Gogh Dr. Modesto, CA 95356
(Address of Organization)

10/24/95
(Date of event)

10/17/95
(Date submitted)

Jennifer Muratore
(Name of activity coordinator)

209-575-2085
(Phone)

City of Modesto-
(Organization's insurance carrier)

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-514

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(511). (SHERMAN
R. GLENN)

WHEREAS, a verified application for an amendment to
Section 21-3-9 of the Zoning Map was filed by Sherman R. Glenn on
August 22, 1995, to reclassify from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D, to allow conversion of a
residential structure to a professional office and addition of an
accessory off-street parking area, property located on the
southwest corner of East Orangeburg and Collier Avenues,
described as follows:

R-1 to P-D(511)

ALL that certain real property situate in a portion of
the Northwest quarter of Section 21, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, in the
City of Modesto, County of Stanislaus, State of
California, described as follows:

All of lots 1 through 3, of Block 1134 as shown on the
Mensingher Tract No. 4 subdivision map filed in the
office of the Recorder of Stanislaus County,
California, on August 1, 1946, in Volume 14 of Maps, at
Page 68.

Including also all of the south 40.00 feet of East
Orangeburg and the west 30.00 feet of Collier Avenues
and a 10.00-foot-wide alley, all as shown on the above-
described subdivision map and all immediately adjacent
to the above-described property.

and

WHEREAS, after a public hearing held on October 16,
1995, in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California, it was found and determined by the Planning
Commission, by its Resolution No. 95-19, that rezoning of the

property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone for conversion of a residential structure to a professional office and addition of an accessory off-street parking area will contribute to a mixture of uses provided for in the Mixed Use (MU) area designated for this portion of the East McHenry Neighborhood.
2. The approved plot plan, along with required fencing and conditions of approval will assure this professional office development will be compatible with the adjacent residential neighborhood.
3. The planned development plot plan provides a positive traffic flow enhancement by precluding direct vehicular access to East Orangeburg Avenue in accordance with the development of office uses along East Orangeburg Avenue between McHenry and Sunrise Avenues.

and

WHEREAS, after a public hearing held on November 7, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Sherman R. Glenn 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. 95-19 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2959-C.S. on the 7th day of November, 1995, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(511).

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(511), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Offices for Counseling Associates" as amended in red, stamped approved by the City Council on November 7, 1995.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The 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-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the entire west property line and portion of the south property line not adjacent to the parking area.
 - b. Six-foot-high, solid double-sided, alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the portion of the south property line adjacent to the parking area.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
6. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
7. All signs shall comply with the sign requirements of the P-O Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(511):

The entire construction program be accomplished in one phase, construction to begin on or before October 16, 1997, and completion to be not later than October 16, 1998.

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 X 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(511), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *[Signature]*
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 95-515

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING FIVE NEW POLICE MOTORCYCLES

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

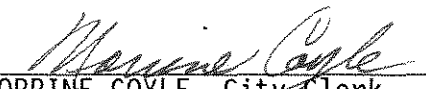
SECTION 1. The specifications for the purchase of five new police motorcycles, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 28, 1995, at 2:00 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-516

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING FIVE NEW CAB AND CHASSIS WITH MISCELLANEOUS BODIES

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

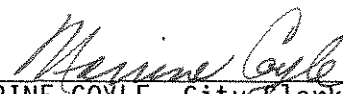
SECTION 1. The specifications for the purchase of five new cab and chassis with miscellaneous bodies, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 28, 1995, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-517

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING SIX NEW PIECES OF HEAVY EQUIPMENT

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

SECTION 1. The specifications for the purchase of six new pieces of heavy equipment, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 29, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

Chis

MODESTO CITY COUNCIL
RESOLUTION NO. 95-518

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING TWO NEW PIECES OF LAWN EQUIPMENT

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

SECTION 1. The specifications for the purchase of two new pieces of lawn equipment, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 29, 1995, at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-519

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING FIFTEEN NEW UTILITY VEHICLES

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

SECTION 1. The specifications for the purchase of fifteen new utility vehicles, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 29, 1995, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-520

A RESOLUTION ACCEPTING THE BID OF MASTER METER, INC., PRECISION METERS, INC., GROENIGER AND COMPANY, AND ABB KENT METERS, INC. FOR VARIOUS SIZE WATER METERS

WHEREAS, the bids received for various size water meters were opened at 11:00 AM on October 11, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Master Meter, Inc., Precision Meters, Inc., Groeniger and Company, and ABB Kent Meters, Inc. for a total cost not to exceed \$67,000.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Master Meter, Inc., Precision Meters, Inc., Groeniger and Company, and ABB Kent Meters, 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

2026

MODESTO CITY COUNCIL
RESOLUTION NO. 95-521

A RESOLUTION REJECTING BIDS RECEIVED FOR THE PROJECT TITLED "GENERAL AVIATION AREA APRON SEAL COAT AND TAXIWAY C AND E SLURRY SEAL" RECEIVED AND OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 29, 1995

WHEREAS, the bids received for the project titled "General Aviation Area Apron Seal Coat and Taxiway C and E Slurry Seal" were opened at 11:00 a.m. on August 29, 1995;


WHEREAS, addressing concerns raised regarding the low bidder's failure to meet Disadvantaged Business Enterprise (DBE) participation goals and "good faith effort" requirements delayed award of the project; and

WHEREAS, rejecting all bids will allow the project to be bid in the spring when weather is more favorable and prices are lower;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for the project "General Aviation Area apron Seal Coat and Taxiway C and E Slurry Seal", opened in the office of the City Clerk on August 29, 1995, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Muraotre, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-522

A RESOLUTION ACCEPTING THE BID OF D & L CONCRETE PUMPING, INC. FOR A PROJECT TITLED "SIDEWALK REPAIRS 1995"

WHEREAS, the bids received for a project titled "Sidewalk Repairs 1995" were opened at 2:00 P.M. on October 10, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of D & L Concrete Pumping, Inc. in the amount of \$101,140 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 & L Concrete Pumping, 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 95-523**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT, SIDEWALK REPAIRS FOR 1995.

WHEREAS, this project is part of an ongoing effort to reduce tripping hazards on sidewalks which have been damaged by street tree roots. It was originally budgeted in the General Fund Street Maintenance organization in the maintenance and repair account.

WHEREAS, due to the size of the project, and the fact that the project is being done by an outside contractor which requires Construction Administration oversight, this resolution will decrease the expenditures in the General Fund, and set up a new CIP project in fund 070, the Gas Tax Fund.

WHEREAS, this resolution will also decrease the transfer into General Fund from the Gas Tax fund. This transfer supported the sidewalk repair expenditure.

The following adjustments are necessary:

Gas Tax Fund 070

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-430-F813-6040	Sidewalk Repairs, 1995	\$119,000
070-700-7000-7010	Transfer Out to General Fund	(\$119,000)

General Fund

Revenues		
010-700-7000-9070	Transfer In From Fund 070	(\$119,000)
Expenditures		
010-460-4612-0360	Real Property Maintenance and Repair	(\$119,000)

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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-524

A RESOLUTION ACCEPTING THE BID OF RHONE-POULENC, INC. FOR THE PURCHASE OF LIQUID SULPHUR DIOXIDE (SO2)

WHEREAS, the bids received for purchase of liquid sulphur dioxide (SO2) were opened at 11:00 AM on October 16, 1995, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Rhone-Poulenc, Inc. in the amount of \$38,745, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Rhone-Poulenc, 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-525

A RESOLUTION ACCEPTING THE PROJECT TITLED "CLARATINA AVENUE WATERLINE" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "Claratina Avenue Waterline", has been completed by Rolfe Construction Company, in accordance with the contract agreement dated January 17, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Claratina Avenue Waterline project, be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$950,146.77 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 November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor
Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-526

A RESOLUTION APPROVING AN ESCROW AGREEMENT BETWEEN THE CITY OF MODESTO AND AUBURN CONSTRUCTORS, INC. FOR CONSTRUCTION OF WATER TANK NO. 4 AND WELL NO. 54

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the escrow agreement between the City of Modesto and Auburn Constructors, Inc. for construction of Water Tank No. 4 and Well No. 54 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said escrow 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 November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-527

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
TWELVE REPLACEMENT POLICE VEHICLES

WHEREAS, Municipal Code Sections 8-3.202.h and 8-3.203.d allow for the approval by Council to join with the State of California and other units of government in cooperative purchasing plans and to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of twelve (12) replacement police vehicles for Fiscal Year 1995-96 is hereby waived.

BE IT FURTHER RESOLVED that purchase of twelve (12) replacement police vehicles for Fiscal Year 1995-96 from the best available competitively bid or cooperative contract source, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 95-528**

**A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO
FOR THE FIRST QUARTER OF FISCAL YEAR 1995-96.**

**WHEREAS, after 1st 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 95-96.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the changes listed in "Attachment A" & "Attachment B" be made
to the Annual Budget of the City of Modesto for Fiscal Year 95-96.**

**BE IT FURTHER RESOLVED that the Director of Finance 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST:



NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

Attachment A

Budget Adjustment Detail

				Current	Revised		Description
				Budget	Budget	Adjustment	
2 Convention & Visitor's Bureau Revised Funding Per Formula of 1.2% * TOT Budget Estimate / 9%							
Exp	010	140	1421 1006	198,030	207,979	9,949	Convention & Visitors' Bureau
Exp	010	800	8000 8003	3,469,268	3,459,319	(9,949)	Contingency Reserve
Total							0
4 Telecommuter Grant and AB1671 Funded Projects Request Not Approved							
Rev	010	140	1424 3302	136,475	13,793	(122,682)	Telecommuter Grant
Rev	010	140	1424 8155	0	3,000	3,000	Rent
Exp	010	140	1424 0140	22,936	11,378	(11,558)	Parttime
Exp	010	140	1424 0201	0	300	300	Postage
Exp	010	140	1424 0204	0	1,300	1,300	Copier Charges - Inside
Exp	010	140	1424 0206	25,000	9,000	(16,000)	Marketing Services
Exp	010	140	1424 0208	0	360	360	Business Expense
Exp	010	140	1424 0210	0	1,800	1,800	Utilities
Exp	010	140	1424 0215	0	27,000	27,000	Rental of Real Property
Exp	010	140	1424 0223	0	700	700	Repair & Mtc
Exp	010	140	1424 0235	36,000	6,709	(29,291)	Services, Professional & Other
Exp	010	140	1424 0301	12,474	200	(12,274)	Office Supplies
Exp	010	140	1424 5501	38,000	1,000	(37,000)	Work Station Equipment
Exp	010	800	8000 8003	3,459,319	3,414,300	(45,019)	Contingency Reserve
Total							0
5 Closeout of Expired Fund with no Activity transferred to Related Active Fund							
Exp	160	700	7000 7600	0	21,000	21,000	In-Lieu Parking Fund Transfer Out to Parking Fund
Exp	160	800	8000 8003	21,000	0	(21,000)	Contingency Reserve
Total							0
Rev	600	700	7000 9160	0	21,000	21,000	Transfer In from In-Lieu Parking
Exp	600	800	8000 8003	692,090	713,090	21,000	Contingency Reserve
Total							0
6 Closeout of Expired Fund with no Activity transferred to Related Active Fund							
Exp	190	700	7000 7943	0	3,666	3,666	Crocker Bank Building Fund Transfer Out to CIP COP's
Exp	190	800	8000 8003	3,666	0	(3,666)	Contingency Reserve
Total							0
Rev	943	700	7000 9190	0	3,666	3,666	Transfer In from Crocker Bank Building Fund
Exp	943	800	8000 8003	638,129	641,795	3,666	Contingency Reserve
Total							0

Attachment A

Budget Adjustment Detail

				Current Budget	Revised Budget	Adjustment	Description
7 CSUS Citation Processing Revised Budget Estimates							
Exp	010	120	1234 0235	8,800	28,800	20,000	Services, Professional & Other
Rev	010	120	1234 7113	87,506	107,506	20,000	Parking Fines
Total						0	
9 TRRP had Insurance Charges in FY95 for a 2 Year Policy 1/2 Which was Charged in FY96 and Not Budgeted							
Exp	890	310	3912 0415	3,528	5,973	2,445	Other Liability Insurance
Exp	890	800	8000 8003	209,983	288,074	78,091	Contingency Reserve
Rev	890	700	7000 9010	0	71,229	71,229	Transfer In from General Fund
Rev	890	510	9510 3701	276,669	285,976	9,307	TRRP Apportionment
Total						0	
Exp	010	700	7000 7890	0	71,229	71,229	General Fund Transfer Out To TRRP Fund
Exp	010	800	8000 8003	3,414,300	3,343,071	(71,229)	Contingency Reserve
Total						0	
12 Security for the Airport							
Exp	631	480	5412 0235	2,955	23,590	20,635	Services, Professional & Other
Rev	631	701	7001 9010	64,834	105,837	41,003	Transfer In from General Fund
Exp	631	800	8000 8003	(20,368)	0	20,368	Contingency Reserve
Rev	632	701	7001 9010	93,300	105,543	12,243	Transfer In from General Fund
Exp	632	800	8000 8003	(12,243)	0	12,243	Contingency Reserve
Exp	010	701	7001 7631	64,834	105,837	41,003	General Fund Loan Transfer Out To Airport Fund
Exp	010	701	7001 7632	93,300	105,543	12,243	General Fund Loan Transfer Out To Special Aviation Fund
Exp	010	800	8000 8003	3,343,071	3,289,825	(53,246)	Contingency Reserve
Total						0	
14 Reduce Alley Improvement Revenue in Fund 130, add to Fund 070							
Rev	130	510	9510 4054	15,000	0	(15,000)	Alley Improvement
Exp	130	800	8000 8003	665,495	650,495	(15,000)	Contingency Reserve
Rev	070	510	9510 4054	0	15,000	15,000	Alley Improvement
Exp	070	800	8000 8003	(11,830)	3,170	15,000	Contingency Reserve
Total						0	

Attachment A
Budget Adjustment Detail

				Current Budget	Revised Budget	Adjustment	Description
17 HPO Carryover							
Exp	113	140	1457 0497	89,000	126,000	37,000	Direct Loans
Exp	113	800	8000 8003	114,414	77,414	(37,000)	Contingency Reserve
Exp	117	140	1459 0497	266,130	232,894	(33,236)	Direct Loans
Exp	117	800	8000 8003	(53,254)	(20,018)	33,236	Contingency Reserve
Exp	115	140	1466 0497	723,201	353,038	(370,163)	Direct Loans
Rev	115	140	1466 3513	906,001	580,814	(325,187)	CDBG-Operating Grant
Exp	115	800	8000 8003	39,165	84,141	44,976	Contingency Reserve
Exp	116	140	1467 0497	207,600	232,047	24,447	Direct Loans
Exp	116	800	8000 8003	117,327	92,880	(24,447)	Contingency Reserve
Rev	117	140	1459 3517	266,130	166,078	(100,052)	Home Grant
Rev	117	140	1458 3517	1,383,984	1,504,054	120,070	Home Grant
Exp	117	800	8000 8003	(20,018)	0	20,018	Contingency Reserve
Total						0	
20 Closing out Fund 740 Methane Gas Generation to Fund 621 Sewer Operations							
Rev	621	700	7000 9740	0	7,112	7,112	Transfer In from Methane Gas
Exp	621	800	8000 8003	8,721,903	8,729,015	7,112	Contingency Reserve
Exp	740	700	7000 7621	0	7,112	7,112	Methane Fund Transfer Out To Wastewater Operations
Exp	740	800	8000 8003	1,655,765	1,648,653	(7,112)	Contingency Reserve
Total						0	
22 Grant revenue for Solid Waste Management							
Exp	010	480	4802 0237	156,614	158,614	2,000	Promotion Expense
Rev	010	480	4802 3145	331,307	333,307	2,000	LCC\CIWMB Grant
Total						0	
23 Bus Fund Adjustment							
Exp	651	160	F809 6070	0	9,500	9,500	Opacity Meter
Exp	651	800	8000 8003	2,029	129	(1,900)	Contingency Reserve
Rev	651	510	9510 3604	394,240	401,840	7,600	FTA Grant Revenue - Capital
Total						0	

This was originally budgeted in the 93-94 Operating Budget. It was not purchased at that time, but was approved in the FAA federal grant application. These funds are still available. This adjustment will allow purchase of the equipment.

Attachment A

Budget Adjustment Detail

				Current	Revised		Description
				Budget	Budget	Adjustment	
24 General Fund Revenues including FEMA, TRAN, & Construction Related Revenues							
Rev	010	510	9510 1101	6,256,610	6,196,610	(60,000)	Current Year Taxes – Secured
Rev	010	510	9510 1110	174,018	154,018	(20,000)	Supplemental Roll
Rev	010	510	9510 1119	255,395	205,395	(50,000)	Property Transfer Tax
Rev	010	510	9510 1201	17,746,762	17,046,762	(700,000)	Sales Tax
Rev	010	510	9510 1404	4,784,000	4,584,000	(200,000)	Business Mill Tax
Rev	010	510	9510 3119	6,386,000	6,486,000	100,000	Motor Vehicle License Fee
Rev	010	510	9510 6101	792,000	933,177	141,177	Interest
Rev	010	510	9510 8122	98,800	288,800	190,000	Refunds & Damage Recovery (FEMA)
Exp	010	120	1210 0452	132,000	140,823	8,823	TRAN Interest Expense
Rev	010	120	1210 6101	194,400	203,223	8,823	TRAN Interest
Rev	010	140	1401 4001	160,500	136,500	(24,000)	Building Fee– All Inclusive
Rev	010	140	1401 4002	411,950	372,000	(39,950)	Building Inspections
Rev	010	140	1401 4003	47,080	42,380	(4,700)	Plumbing Inspections
Rev	010	140	1401 4004	62,060	55,860	(6,200)	Electrical Inspections
Rev	010	140	1401 4005	27,285	24,560	(2,725)	Heating/Cooling Code
Rev	010	140	1401 4007	214,000	175,000	(39,000)	Plan Checking Fees
Rev	010	140	1401 4011	25,000	12,500	(12,500)	Subdivision Fees
Exp	010	800	8000 8003	3,289,825	2,561,927	(727,898)	Contingency Reserve
Total						0	
24 Adjust Tax Revenues in Parks Fund							
Rev	140	510	9510 1101	236,344	234,744	(1,600)	Current Year Taxes – Secured
Rev	140	510	9510 1107	11,708	11,741	33	Current Year Unsecured
Rev	140	510	9510 1110	6,574	5,835	(739)	Supplemental Roll
Rev	140	510	9510 1116	786	788	2	In-Lieu Property Tax
Rev	140	510	9510 3104	7,357	7,414	57	Homeowner Property Tax
Exp	140	800	8000 8003	25,773	23,526	(2,247)	Contingency Reserve
Total						0	
25 Purchase of 6 Police Cars							
Exp	010	190	1961 0110	6,366,706	6,306,706	(60,000)	Salaries & Wages, Reg
Exp	010	700	7000 7720	0	60,000	60,000	General Fund Transfer Out To Fleet Management Fund
Rev	720	700	7000 9010	0	60,000	60,000	Transfer In from General Fund
Exp	720	480	5814 5000	0	60,000	60,000	Police Vehicles
Total						0	

Attachment A

Budget Adjustment Detail

				Current	Revised				
				Budget	Budget	Adjustment	Description		
26 FEMA for Golf Fund and Other Revenue Adjustment									
Rev	660	330	3311 8122	0	11,510	11,510	Refunds & Damage Recovery (FEMA)		
Rev	660	330	3313 4076	1,041,909	941,909	(100,000)	Golf Green Fees		
Rev	660	330	3314 4076	1,018,023	918,023	(100,000)	Golf Green Fees		
Exp	660	330	3311 0110	56,137	19,137	(37,000)	Salaries & Wages, Reg		
Exp	660	330	3311 0218	4,139	1,139	(3,000)	Equipment Rental		
Exp	660	330	3312 0110	77,434	54,434	(23,000)	Salaries & Wages, Reg		
Exp	660	330	3313 0110	223,339	188,339	(35,000)	Salaries & Wages, Reg		
Exp	660	330	3313 0218	129,874	122,874	(7,000)	Equipment Rental		
Exp	660	330	3314 0110	198,371	163,371	(35,000)	Salaries & Wages, Reg		
Exp	660	330	3314 5340	60,000	0	(60,000)	Fairway Mower		
Exp	660	800	8000 8003	30,916	42,426	11,510	Contingency Reserve		
Total							0		
27 Insurance Funds update with Del Este budget, and Open Enrollment of Health, Dental, & Vision									
Rev	732	030	6610 4971	1,775,258	1,785,258	10,000	Premium Assessment		
Exp	732	800	8000 8003	4,045,454	4,055,454	10,000	Contingency Reserve		
Rev	733	030	6611 4971	1,097,544	1,120,629	23,085	Premium Assessment		
Exp	733	800	8000 8003	55,995	79,080	23,085	Contingency Reserve		
Rev	734	030	6612 4971	106,134	110,453	4,319	Premium Assessment		
Exp	734	800	8000 8003	136,187	140,506	4,319	Contingency Reserve		
Exp	735	030	6614 0410	585,951	540,733	(45,218)	Claims Payment		
Rev	735	030	6614 4971	501,078	550,833	49,755	Premium Assessment		
Exp	735	800	8000 8003	10,720	105,693	94,973	Contingency Reserve		
Exp	736	030	6613 0408	2,655,464	4,056,274	1,400,810	Insurance Premium		
Exp	736	030	6613 0410	1,664,079	555,000	(1,109,079)	Claims Payment		
Exp	736	030	6613 0411	67,500	27,000	(40,500)	Insurance - Administration		
Rev	736	030	6613 4971	1,708,074	132,765	(1,575,309)	Premium Assessment		
Rev	736	030	6613 4972	2,655,464	4,056,274	1,400,810	Premium Assessment		
Exp	736	800	8000 8003	425,730	0	(425,730)	Contingency Reserve		
Exp	737	030	6615 0408	156,812	173,963	17,151	Insurance Premium		
Rev	737	030	6615 4971	231,653	238,177	6,524	Premium Assessment		
Exp	737	800	8000 8003	37,716	27,089	(10,627)	Contingency Reserve		
Exp	738	030	6618 0408	133,370	135,972	2,602	Insurance Premium		
Rev	738	030	6617 4971	22,772	23,171	399	Premium Assessment		
Rev	738	030	6616 4971	104,084	104,483	399	Premium Assessment		
Rev	738	030	6618 4971	133,370	135,972	2,602	Premium Assessment		
Exp	738	800	8000 8003	206,836	207,634	798	Contingency Reserve		
Exp	739	030	6619 0410	103,759	173,747	69,988	Claims Payment		
Rev	739	030	6619 4971	112,848	182,836	69,988	Premium Assessment		
Total							0		

Attachment A
Budget Adjustment Detail

				Current	Revised		Description
				Budget	Budget	Adjustment	
28	Water Fund Adjustment						
	Rev	610 510 9510 4201		9,792,000	9,967,000	175,000	Water Sales
	Exp	610 702 7002 7612		0	232,275	232,275	Water Fund Transfer Out to Water CIP COP Fund Cash w/Fiscal Agent Interfund Transfer
	Exp	610 800 8000 8003		6,081,805	6,024,530	(57,275)	Contingency Reserve
	Rev	612 702 7002 9610		0	232,275	232,275	Transfer In from Water CIP Cop's Cash w/Fiscal Agent Interfund Transfer
	Exp	612 800 8000 8003		323,649	555,924	232,275	Contingency Reserve
	Total					0	
29	Sewer Adjustment						
	Rev	621 510 9510 4301		7,352,730	7,040,230	(312,500)	Residential Sewer
	Exp	621 800 8000 8003		8,729,015	8,416,515	(312,500)	Contingency Reserve
	Total					0	
31	Transfer to Fund 130 for Plaza Project						
	Rev	130 700 7000 9010		36,545	136,545	100,000	Transfer In from General Fund
	Exp	130 800 8000 8003		650,495	750,495	100,000	Contingency Reserve
	Exp	010 700 7000 7130		36,545	136,545	100,000	General Fund Transfer Out To Special Fund for Capital Out
	Exp	010 800 8000 8003		2,561,927	2,461,927	(100,000)	Contingency Reserve
	Total					0	

Attachment B
 Carryover Revenue/Transfer In/Transfer Out
 Budget Adjustment Detail

Reappropriation List #					Current Budget	Revised Budget	Adjustment	Description	
1	Rev	052	510	9510	1216	72,902	102,816	29,914	Local Transportation Allocation
2	Rev	070	510	9510	3138	0	18,426	18,426	State Share of Street Projects
3	Rev	070	510	9510	3138	18,426	118,426	100,000	State Share of Street Projects
4	Rev	070	510	9510	3504	5,739,000	5,804,000	65,000	Federal Share of Street Projects
5	Rev	070	510	9510	3138	118,426	156,101	37,675	State Share of Street Projects
6	Rev	070	510	9510	3504	5,804,000	5,929,000	125,000	Federal Share of Street Projects
7	Rev	070	510	9510	4057	0	11,000	11,000	Devolper Share of Street Project
8	Rev	070	510	9510	3504	5,929,000	6,089,000	160,000	Federal Share of Street Projects
9	Rev	070	510	9510	3310	0	6,000	6,000	County Share of Street Projects
10	Rev	070	510	9510	3504	6,089,000	9,681,344	3,592,344	Federal Share of Street Projects
11	Rev	070	510	9510	3504	9,681,344	9,858,877	177,533	Federal Share of Street Projects
12	Rev	070	510	9510	3504	9,858,877	9,861,534	2,657	Federal Share of Street Projects
13	Rev	070	700	7000	9051	300,000	438,597	138,597	Transfer In to Fund 070
14	Rev	070	700	7000	9051	438,597	801,100	362,503	Transfer In to Fund 070
15	Rev	070	510	9510	3504	9,861,534	11,000,058	1,138,524	Federal Share of Street Projects
16	Rev	070	510	9510	4057	11,000	116,000	105,000	Devolper Share of Street Project
17	Rev	070	700	7000	9113	0	9,351	9,351	Transfer In to Fund 070
18	Rev	070	700	7000	9113	9,351	383,428	374,077	Transfer In to Fund 070
19	Rev	070	510	9510	3310	6,000	81,000	75,000	County Share of Street Projects
20	Rev	070	510	9510	3504	11,000,058	11,812,058	812,000	Federal Share of Street Projects
21	Rev	070	510	9510	3504	11,812,058	12,245,058	433,000	Federal Share of Street Projects
22	Rev	070	510	9510	3504	12,245,058	12,312,058	67,000	Federal Share of Street Projects
23	Exp	051	700	7000	7070	300,000	438,597	138,597	Transfer Out from Fund 051
24	Exp	051	700	7000	7070	438,597	801,100	362,503	Transfer Out from Fund 051
25	Exp	113	700	7000	7070	0	9,351	9,351	Transfer Out from Fund 113
26	Exp	113	700	7000	7070	9,351	383,428	374,077	Transfer Out from Fund 113
27	Rev	135	310		3504	0	300	300	Federal Share of Street Projects
28	Rev	140	700	7000	9150	4,000	44,835	40,835	Transfer In to Fund 140
29	Rev	140	700	7000	9113	0	106,494	106,494	Transfer In to Fund 140
30	Rev	140	700	7000	9113	106,494	209,962	103,468	Transfer In to Fund 140
31	Exp	150	700	7000	7140	4,000	44,835	40,835	Transfer Out from Fund 051
32	Exp	113	700	7000	7140	0	106,494	106,494	Transfer Out from Fund 113
33	Exp	113	700	7000	7140	106,494	209,962	103,468	Transfer Out from Fund 113
34	Rev	141	430		3504	1,344,158	1,435,948	91,790	Federal Share of Street Projects
35	Rev	141	430		3504	1,435,948	1,790,068	354,120	Federal Share of Street Projects
36	Rev	141	430		3504	1,790,068	1,954,303	164,235	Federal Share of Street Projects
37	Rev	141	430		4057	0	168,000	168,000	Devolper Share of Street Project
38	Rev	141	430		3138	0	60,000	60,000	State Share of Street Projects
39	Rev	170	700	7000	9052	0	62,077	62,077	Transfer In to Fund 170
40	Rev	170	700	7000	9143	0	72,000	72,000	Transfer In to Fund 170
41	Rev	170	510	9510	3138	0	455,000	455,000	State Share of Street Projects
42	Exp	052	700	7000	7170	0	62,077	62,077	Transfer Out from Fund 052
43	Exp	143	700	7000	7170	0	72,000	72,000	Transfer Out from Fund 143
44	Rev	628	700	7000	9280	0	18,600	18,600	Transfer In to Fund 628
45	Exp	280	700	7000	7628	0	18,600	18,600	Transfer Out from Fund 280
46	Rev	632	510	9510	3613	614,600	635,685	21,085	FAA Capital Grants
47	Rev	632	510	9510	3613	635,685	662,685	27,000	FAA Capital Grants
48	Rev	632	510	9510	3613	662,685	666,622	3,937	FAA Capital Grants
49	Rev	632	510	9510	3613	666,622	693,622	27,000	FAA Capital Grants

Attachment B
 Carryover Revenue/Transfer In/Transfer Out
 Budget Adjustment Detail

Reappropriation List #					Current Budget	Revised Budget	Adjustment	Description	
50	Rev	632	510	9510	3613	693,622	806,429	112,807	FAA Capital Grants
51	Rev	632	510	9510	3613	806,429	836,956	30,527	FAA Capital Grants
52	Rev	632	510	9510	3613	836,956	873,052	36,096	FAA Capital Grants
53	Rev	632	510	9510	3613	873,052	940,078	67,026	FAA Capital Grants
54	Rev	632	510	9510	3613	940,078	1,013,092	73,014	FAA Capital Grants
55	Rev	632	510	9510	3613	1,013,092	1,162,080	148,988	FAA Capital Grants
56	Rev	651	510	9510	3604	1,749,803	2,249,811	500,008	FTA-Transit Capital Grant
57	Rev	651	510	9510	3604	2,249,811	2,263,111	13,300	FTA-Transit Capital Grant
58	Rev	651	510	9510	3604	2,263,111	2,605,936	342,825	FTA-Transit Capital Grant
59	Rev	651	510	9510	3604	2,605,936	2,646,736	40,800	FTA-Transit Capital Grant
60	Rev	651	510	9510	3604	2,646,736	2,669,136	22,400	FTA-Transit Capital Grant
61	Rev	651	510	9510	3604	2,669,136	2,689,136	20,000	FTA-Transit Capital Grant
62	Rev	651	510	9510	3604	2,689,136	2,694,736	5,600	FTA-Transit Capital Grant
63	Rev	651	510	9510	3604	2,694,736	2,814,736	120,000	FTA-Transit Capital Grant
64	Rev	651	510	9510	3604	2,814,736	4,610,776	1,796,040	FTA-Transit Capital Grant
65	Rev	651	510	9510	3604	4,610,776	4,620,376	9,600	FTA-Transit Capital Grant
66	Rev	651	510	9510	3604	4,620,376	4,652,376	32,000	FTA-Transit Capital Grant
67	Rev	651	510	9510	3604	4,652,376	4,668,336	15,960	FTA-Transit Capital Grant
68	Rev	651	510	9510	3604	4,668,336	4,674,395	6,059	FTA-Transit Capital Grant
69	Rev	651	510	9510	3604	4,674,395	4,683,195	8,800	FTA-Transit Capital Grant
70	Rev	651	510	9510	3604	4,683,195	4,695,995	12,800	FTA-Transit Capital Grant
71	Rev	651	510	9510	3604	4,695,995	4,715,789	19,794	FTA-Transit Capital Grant
72	Rev	720	510	9510	3138	0	91,119	91,119	State Share of Street Projects

Stuck

MODESTO CITY COUNCIL
RESOLUTION NO. 95-529

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND PATRICK RIDDLE FOR THE PURPOSE OF REHABILITATING PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Patrick Riddle for the purpose of rehabilitating properties pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said financing agreement by the designated city officials be authorized.

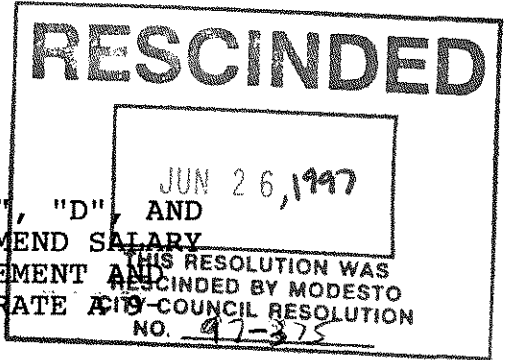
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-530

A RESOLUTION AMENDING EXHIBITS "B", "D", AND "F" OF RESOLUTION NO. 95-310 TO AMEND SALARY SCHEDULES FOR UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES TO INCORPORATE A CITY COUNCIL RESOLUTION STEP SALARY STEP PLAN.



WHEREAS, on August 8, 1995, the Council of the City of Modesto adopted a Pay-for-Performance (PFP) Program covering all unrepresented Management and Confidential employees in the classified service, and

WHEREAS, one element of the PFP Program is a 9-Step Salary Plan within existing salary ranges, as opposed to the historical 5-Step Salary Plan, and

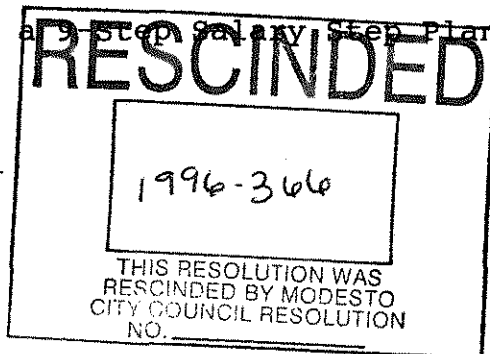
WHEREAS, effective November 14, 1995, employees at current steps A, B, C, D and E will be placed at new Steps 1, 3, 5, 7 and 9 at their current salaries, and

WHEREAS, formal adoption of the amended salary schedules will include nine steps at increments of 2.5% versus four, 5% steps,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

The amended salary schedules and effective dates as set forth in the following exhibits, which are attached hereto and made a part hereof, are hereby established and approved effective November 14, 1995, to provide for a 9-Step Salary Step Plan for



unrepresented Management and Confidential:

1. Exhibit "B" entitled "Management/Confidential General, City of Modesto Schedule Of Salary Ranges In City Service For FY 95-96 Effective 6/27/95, Amended 11/14/95.
2. Exhibit "D" entitled "Management/Confidential Fire, City of Modesto Schedule of Salary Ranges in City Service for FY 95-96 Effective 6/27/95, Amended 11/14/95."
3. Exhibit "F" entitled "Management/Confidential-Police-Unrepresented, City of Modesto Schedule Of Salary Ranges In City Service For FY 95-96 Effective 6/27/95, Amended 11/14/95."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

3.00%

HOURLY

Range	1	2	3	4	5	6	7	8	9
0401	9.0656	9.2922	9.5245	9.7626	10.0067	10.2569	10.5133	10.7761	11.0455
0402	9.2922	9.5245	9.7626	10.0067	10.2569	10.5133	10.7761	11.0455	11.3216
0403	9.5245	9.7626	10.0067	10.2569	10.5133	10.7761	11.0455	11.3216	11.6046
0404	9.7626	10.0067	10.2569	10.5133	10.7761	11.0455	11.3216	11.6046	11.8947
0405	10.0067	10.2569	10.5133	10.7761	11.0455	11.3216	11.6046	11.8947	12.1921
0406	10.2569	10.5133	10.7761	11.0455	11.3216	11.6046	11.8947	12.1921	12.4969
0407	10.5133	10.7761	11.0455	11.3216	11.6046	11.8947	12.1921	12.4969	12.8093
0408	10.7761	11.0455	11.3216	11.6046	11.8947	12.1921	12.4969	12.8093	13.1295
0409	11.0455	11.3216	11.6046	11.8947	12.1921	12.4969	12.8093	13.1295	13.4577
0410	11.3216	11.6046	11.8947	12.1921	12.4969	12.8093	13.1295	13.4577	13.7941
0411	11.6046	11.8947	12.1921	12.4969	12.8093	13.1295	13.4577	13.7941	14.1390
0412	11.8947	12.1921	12.4969	12.8093	13.1295	13.4577	13.7941	14.1390	14.4925
0413	12.1921	12.4969	12.8093	13.1295	13.4577	13.7941	14.1390	14.4925	14.8548
0414	12.4969	12.8093	13.1295	13.4577	13.7941	14.1390	14.4925	14.8548	15.2262

BY-WEEKL	1	2	3	4	5	6	7	8	9
0401	725.25	743.38	761.96	781.01	800.54	820.55	841.06	862.09	883.64
0402	743.38	761.96	781.01	800.54	820.55	841.06	862.09	883.64	905.73
0403	761.96	781.01	800.54	820.55	841.06	862.09	883.64	905.73	928.37
0404	781.01	800.54	820.55	841.06	862.09	883.64	905.73	928.37	951.58
0405	800.54	820.55	841.06	862.09	883.64	905.73	928.37	951.58	975.37
0406	820.55	841.06	862.09	883.64	905.73	928.37	951.58	975.37	999.75
0407	841.06	862.09	883.64	905.73	928.37	951.58	975.37	999.75	1,024.74
0408	862.09	883.64	905.73	928.37	951.58	975.37	999.75	1,024.74	1,050.36
0409	883.64	905.73	928.37	951.58	975.37	999.75	1,024.74	1,050.36	1,076.62
0410	905.73	928.37	951.58	975.37	999.75	1,024.74	1,050.36	1,076.62	1,103.53
0411	928.37	951.58	975.37	999.75	1,024.74	1,050.36	1,076.62	1,103.53	1,131.12
0412	951.58	975.37	999.75	1,024.74	1,050.36	1,076.62	1,103.53	1,131.12	1,159.40
0413	975.37	999.75	1,024.74	1,050.36	1,076.62	1,103.53	1,131.12	1,159.40	1,188.38
0414	999.75	1,024.74	1,050.36	1,076.62	1,103.53	1,131.12	1,159.40	1,188.38	1,218.10

MONTHLY	1	2	3	4	5	6	7	8	9
0401	1,577.42	1,616.85	1,657.26	1,698.70	1,741.17	1,784.70	1,829.31	1,875.05	1,921.92
0402	1,616.85	1,657.26	1,698.70	1,741.17	1,784.70	1,829.31	1,875.05	1,921.92	1,969.96
0403	1,657.26	1,698.70	1,741.17	1,784.70	1,829.31	1,875.05	1,921.92	1,969.96	2,019.20
0404	1,698.70	1,741.17	1,784.70	1,829.31	1,875.05	1,921.92	1,969.96	2,019.20	2,069.69
0405	1,741.17	1,784.70	1,829.31	1,875.05	1,921.92	1,969.96	2,019.20	2,069.69	2,121.43
0406	1,784.70	1,829.31	1,875.05	1,921.92	1,969.96	2,019.20	2,069.69	2,121.43	2,174.46
0407	1,829.31	1,875.05	1,921.92	1,969.96	2,019.20	2,069.69	2,121.43	2,174.46	2,228.81
0408	1,875.05	1,921.92	1,969.96	2,019.20	2,069.69	2,121.43	2,174.46	2,228.81	2,284.53
0409	1,921.92	1,969.96	2,019.20	2,069.69	2,121.43	2,174.46	2,228.81	2,284.53	2,341.65
0410	1,969.96	2,019.20	2,069.69	2,121.43	2,174.46	2,228.81	2,284.53	2,341.65	2,400.18
0411	2,019.20	2,069.69	2,121.43	2,174.46	2,228.81	2,284.53	2,341.65	2,400.18	2,460.19
0412	2,069.69	2,121.43	2,174.46	2,228.81	2,284.53	2,341.65	2,400.18	2,460.19	2,521.70
0413	2,121.43	2,174.46	2,228.81	2,284.53	2,341.65	2,400.18	2,460.19	2,521.70	2,584.73
0414	2,174.46	2,228.81	2,284.53	2,341.65	2,400.18	2,460.19	2,521.70	2,584.73	2,649.37

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

3.00%

HOURLY

Range	1	2	3	4	5	6	7	8	9
0415	12.8093	13.1295	13.4577	13.7941	14.1390	14.4925	14.8548	15.2262	15.6069
0416	13.1295	13.4577	13.7941	14.1390	14.4925	14.8548	15.2262	15.6069	15.9971
0417	13.4577	13.7941	14.1390	14.4925	14.8548	15.2262	15.6069	15.9971	16.3970
0418	13.7941	14.1390	14.4925	14.8548	15.2262	15.6069	15.9971	16.3970	16.8069
0419	14.1390	14.4925	14.8548	15.2262	15.6069	15.9971	16.3970	16.8069	17.2271
0420	14.4925	14.8548	15.2262	15.6069	15.9971	16.3970	16.8069	17.2271	17.6578
0421	14.8548	15.2262	15.6069	15.9971	16.3970	16.8069	17.2271	17.6578	18.0992
0422	15.2262	15.6069	15.9971	16.3970	16.8069	17.2271	17.6578	18.0992	18.5517
0423	15.6069	15.9971	16.3970	16.8069	17.2271	17.6578	18.0992	18.5517	19.0155
0424	15.9971	16.3970	16.8069	17.2271	17.6578	18.0992	18.5517	19.0155	19.4909
0425	16.3970	16.8069	17.2271	17.6578	18.0992	18.5517	19.0155	19.4909	19.9782
0426	16.8069	17.2271	17.6578	18.0992	18.5517	19.0155	19.4909	19.9782	20.4777
0427	17.2271	17.6578	18.0992	18.5517	19.0155	19.4909	19.9782	20.4777	20.9896
0428	17.6578	18.0992	18.5517	19.0155	19.4909	19.9782	20.4777	20.9896	21.5143

BY-WEEKL	1	2	3	4	5	6	7	8	9
0415	1,024.74	1,050.36	1,076.62	1,103.53	1,131.12	1,159.40	1,188.38	1,218.10	1,248.55
0416	1,050.36	1,076.62	1,103.53	1,131.12	1,159.40	1,188.38	1,218.10	1,248.55	1,279.77
0417	1,076.62	1,103.53	1,131.12	1,159.40	1,188.38	1,218.10	1,248.55	1,279.77	1,311.76
0418	1,103.53	1,131.12	1,159.40	1,188.38	1,218.10	1,248.55	1,279.77	1,311.76	1,344.55
0419	1,131.12	1,159.40	1,188.38	1,218.10	1,248.55	1,279.77	1,311.76	1,344.55	1,378.17
0420	1,159.40	1,188.38	1,218.10	1,248.55	1,279.77	1,311.76	1,344.55	1,378.17	1,412.62
0421	1,188.38	1,218.10	1,248.55	1,279.77	1,311.76	1,344.55	1,378.17	1,412.62	1,447.94
0422	1,218.10	1,248.55	1,279.77	1,311.76	1,344.55	1,378.17	1,412.62	1,447.94	1,484.14
0423	1,248.55	1,279.77	1,311.76	1,344.55	1,378.17	1,412.62	1,447.94	1,484.14	1,521.24
0424	1,279.77	1,311.76	1,344.55	1,378.17	1,412.62	1,447.94	1,484.14	1,521.24	1,559.27
0425	1,311.76	1,344.55	1,378.17	1,412.62	1,447.94	1,484.14	1,521.24	1,559.27	1,598.26
0426	1,344.55	1,378.17	1,412.62	1,447.94	1,484.14	1,521.24	1,559.27	1,598.26	1,638.22
0427	1,378.17	1,412.62	1,447.94	1,484.14	1,521.24	1,559.27	1,598.26	1,638.22	1,679.17
0428	1,412.62	1,447.94	1,484.14	1,521.24	1,559.27	1,598.26	1,638.22	1,679.17	1,721.14

MONTHLY	1	2	3	4	5	6	7	8	9
0415	2,228.81	2,284.53	2,341.65	2,400.18	2,460.19	2,521.70	2,584.73	2,649.37	2,715.60
0416	2,284.53	2,341.65	2,400.18	2,460.19	2,521.70	2,584.73	2,649.37	2,715.60	2,783.50
0417	2,341.65	2,400.18	2,460.19	2,521.70	2,584.73	2,649.37	2,715.60	2,783.50	2,853.08
0418	2,400.18	2,460.19	2,521.70	2,584.73	2,649.37	2,715.60	2,783.50	2,853.08	2,924.40
0419	2,460.19	2,521.70	2,584.73	2,649.37	2,715.60	2,783.50	2,853.08	2,924.40	2,997.52
0420	2,521.70	2,584.73	2,649.37	2,715.60	2,783.50	2,853.08	2,924.40	2,997.52	3,072.45
0421	2,584.73	2,649.37	2,715.60	2,783.50	2,853.08	2,924.40	2,997.52	3,072.45	3,149.27
0422	2,649.37	2,715.60	2,783.50	2,853.08	2,924.40	2,997.52	3,072.45	3,149.27	3,228.00
0423	2,715.60	2,783.50	2,853.08	2,924.40	2,997.52	3,072.45	3,149.27	3,228.00	3,308.70
0424	2,783.50	2,853.08	2,924.40	2,997.52	3,072.45	3,149.27	3,228.00	3,308.70	3,391.41
0425	2,853.08	2,924.40	2,997.52	3,072.45	3,149.27	3,228.00	3,308.70	3,391.41	3,476.22
0426	2,924.40	2,997.52	3,072.45	3,149.27	3,228.00	3,308.70	3,391.41	3,476.22	3,563.13
0427	2,997.52	3,072.45	3,149.27	3,228.00	3,308.70	3,391.41	3,476.22	3,563.13	3,652.19
0428	3,072.45	3,149.27	3,228.00	3,308.70	3,391.41	3,476.22	3,563.13	3,652.19	3,743.48

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

3.00%

HOURLY

Range	1	2	3	4	5	6	7	8	9
0429	18.0992	18.5517	19.0155	19.4909	19.9782	20.4777	20.9896	21.5143	22.0522
0430	18.5517	19.0155	19.4909	19.9782	20.4777	20.9896	21.5143	22.0522	22.6035
0431	19.0155	19.4909	19.9782	20.4777	20.9896	21.5143	22.0522	22.6035	23.1686
0432	19.4909	19.9782	20.4777	20.9896	21.5143	22.0522	22.6035	23.1686	23.7478
0433	19.9782	20.4777	20.9896	21.5143	22.0522	22.6035	23.1686	23.7478	24.3415
0434	20.4777	20.9896	21.5143	22.0522	22.6035	23.1686	23.7478	24.3415	24.9500
0435	20.9896	21.5143	22.0522	22.6035	23.1686	23.7478	24.3415	24.9500	25.5738
0436	21.5143	22.0522	22.6035	23.1686	23.7478	24.3415	24.9500	25.5738	26.2131
0437	22.0522	22.6035	23.1686	23.7478	24.3415	24.9500	25.5738	26.2131	26.8684
0438	22.6035	23.1686	23.7478	24.3415	24.9500	25.5738	26.2131	26.8684	27.5401
0439	23.1686	23.7478	24.3415	24.9500	25.5738	26.2131	26.8684	27.5401	28.2286
0440	23.7478	24.3415	24.9500	25.5738	26.2131	26.8684	27.5401	28.2286	28.9343
0441	24.3415	24.9500	25.5738	26.2131	26.8684	27.5401	28.2286	28.9343	29.6577
0442	24.9500	25.5738	26.2131	26.8684	27.5401	28.2286	28.9343	29.6577	30.3991

BY-WEEKL	1	2	3	4	5	6	7	8	9
0429	1,447.94	1,484.14	1,521.24	1,559.27	1,598.26	1,638.22	1,679.17	1,721.14	1,764.18
0430	1,484.14	1,521.24	1,559.27	1,598.26	1,638.22	1,679.17	1,721.14	1,764.18	1,808.28
0431	1,521.24	1,559.27	1,598.26	1,638.22	1,679.17	1,721.14	1,764.18	1,808.28	1,853.49
0432	1,559.27	1,598.26	1,638.22	1,679.17	1,721.14	1,764.18	1,808.28	1,853.49	1,899.82
0433	1,598.26	1,638.22	1,679.17	1,721.14	1,764.18	1,808.28	1,853.49	1,899.82	1,947.32
0434	1,638.22	1,679.17	1,721.14	1,764.18	1,808.28	1,853.49	1,899.82	1,947.32	1,996.00
0435	1,679.17	1,721.14	1,764.18	1,808.28	1,853.49	1,899.82	1,947.32	1,996.00	2,045.90
0436	1,721.14	1,764.18	1,808.28	1,853.49	1,899.82	1,947.32	1,996.00	2,045.90	2,097.05
0437	1,764.18	1,808.28	1,853.49	1,899.82	1,947.32	1,996.00	2,045.90	2,097.05	2,149.47
0438	1,808.28	1,853.49	1,899.82	1,947.32	1,996.00	2,045.90	2,097.05	2,149.47	2,203.21
0439	1,853.49	1,899.82	1,947.32	1,996.00	2,045.90	2,097.05	2,149.47	2,203.21	2,258.29
0440	1,899.82	1,947.32	1,996.00	2,045.90	2,097.05	2,149.47	2,203.21	2,258.29	2,314.74
0441	1,947.32	1,996.00	2,045.90	2,097.05	2,149.47	2,203.21	2,258.29	2,314.74	2,372.62
0442	1,996.00	2,045.90	2,097.05	2,149.47	2,203.21	2,258.29	2,314.74	2,372.62	2,431.93

MONTHLY	1	2	3	4	5	6	7	8	9
0429	3,149.27	3,228.00	3,308.70	3,391.41	3,476.22	3,563.13	3,652.19	3,743.48	3,837.09
0430	3,228.00	3,308.70	3,391.41	3,476.22	3,563.13	3,652.19	3,743.48	3,837.09	3,933.01
0431	3,308.70	3,391.41	3,476.22	3,563.13	3,652.19	3,743.48	3,837.09	3,933.01	4,031.34
0432	3,391.41	3,476.22	3,563.13	3,652.19	3,743.48	3,837.09	3,933.01	4,031.34	4,132.11
0433	3,476.22	3,563.13	3,652.19	3,743.48	3,837.09	3,933.01	4,031.34	4,132.11	4,235.42
0434	3,563.13	3,652.19	3,743.48	3,837.09	3,933.01	4,031.34	4,132.11	4,235.42	4,341.30
0435	3,652.19	3,743.48	3,837.09	3,933.01	4,031.34	4,132.11	4,235.42	4,341.30	4,449.83
0436	3,743.48	3,837.09	3,933.01	4,031.34	4,132.11	4,235.42	4,341.30	4,449.83	4,561.08
0437	3,837.09	3,933.01	4,031.34	4,132.11	4,235.42	4,341.30	4,449.83	4,561.08	4,675.10
0438	3,933.01	4,031.34	4,132.11	4,235.42	4,341.30	4,449.83	4,561.08	4,675.10	4,791.98
0439	4,031.34	4,132.11	4,235.42	4,341.30	4,449.83	4,561.08	4,675.10	4,791.98	4,911.78
0440	4,132.11	4,235.42	4,341.30	4,449.83	4,561.08	4,675.10	4,791.98	4,911.78	5,034.56
0441	4,235.42	4,341.30	4,449.83	4,561.08	4,675.10	4,791.98	4,911.78	5,034.56	5,160.45
0442	4,341.30	4,449.83	4,561.08	4,675.10	4,791.98	4,911.78	5,034.56	5,160.45	5,289.45

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

3.00%

HOURLY

Range	1	2	3	4	5	6	7	8	9
0443	25.5738	26.2131	26.8684	27.5401	28.2286	28.9343	29.6577	30.3991	31.1591
0444	26.2131	26.8684	27.5401	28.2286	28.9343	29.6577	30.3991	31.1591	31.9381
0445	26.8684	27.5401	28.2286	28.9343	29.6577	30.3991	31.1591	31.9381	32.7366
0446	27.5401	28.2286	28.9343	29.6577	30.3991	31.1591	31.9381	32.7366	33.5550
0447	28.2286	28.9343	29.6577	30.3991	31.1591	31.9381	32.7366	33.5550	34.3939
0448	28.9343	29.6577	30.3991	31.1591	31.9381	32.7366	33.5550	34.3939	35.2537
0449	29.6577	30.3991	31.1591	31.9381	32.7366	33.5550	34.3939	35.2537	36.1350
0450	30.3991	31.1591	31.9381	32.7366	33.5550	34.3939	35.2537	36.1350	37.0384
0451	31.1591	31.9381	32.7366	33.5550	34.3939	35.2537	36.1350	37.0384	37.9644
0452	31.9381	32.7366	33.5550	34.3939	35.2537	36.1350	37.0384	37.9644	38.9135
0453	32.7366	33.5550	34.3939	35.2537	36.1350	37.0384	37.9644	38.9135	39.8863
0454	33.5550	34.3939	35.2537	36.1350	37.0384	37.9644	38.9135	39.8863	40.8835
0455	34.3939	35.2537	36.1350	37.0384	37.9644	38.9135	39.8863	40.8835	41.9056
0456	35.2537	36.1350	37.0384	37.9644	38.9135	39.8863	40.8835	41.9056	42.9532

BY-WEEKL	1	2	3	4	5	6	7	8	9
0443	2,045.90	2,097.05	2,149.47	2,203.21	2,258.29	2,314.74	2,372.62	2,431.93	2,492.73
0444	2,097.05	2,149.47	2,203.21	2,258.29	2,314.74	2,372.62	2,431.93	2,492.73	2,555.05
0445	2,149.47	2,203.21	2,258.29	2,314.74	2,372.62	2,431.93	2,492.73	2,555.05	2,618.93
0446	2,203.21	2,258.29	2,314.74	2,372.62	2,431.93	2,492.73	2,555.05	2,618.93	2,684.40
0447	2,258.29	2,314.74	2,372.62	2,431.93	2,492.73	2,555.05	2,618.93	2,684.40	2,751.51
0448	2,314.74	2,372.62	2,431.93	2,492.73	2,555.05	2,618.93	2,684.40	2,751.51	2,820.30
0449	2,372.62	2,431.93	2,492.73	2,555.05	2,618.93	2,684.40	2,751.51	2,820.30	2,890.80
0450	2,431.93	2,492.73	2,555.05	2,618.93	2,684.40	2,751.51	2,820.30	2,890.80	2,963.07
0451	2,492.73	2,555.05	2,618.93	2,684.40	2,751.51	2,820.30	2,890.80	2,963.07	3,037.15
0452	2,555.05	2,618.93	2,684.40	2,751.51	2,820.30	2,890.80	2,963.07	3,037.15	3,113.08
0453	2,618.93	2,684.40	2,751.51	2,820.30	2,890.80	2,963.07	3,037.15	3,113.08	3,190.90
0454	2,684.40	2,751.51	2,820.30	2,890.80	2,963.07	3,037.15	3,113.08	3,190.90	3,270.68
0455	2,751.51	2,820.30	2,890.80	2,963.07	3,037.15	3,113.08	3,190.90	3,270.68	3,352.45
0456	2,820.30	2,890.80	2,963.07	3,037.15	3,113.08	3,190.90	3,270.68	3,352.45	3,436.26

MONTHLY	1	2	3	4	5	6	7	8	9
0443	4,449.83	4,561.08	4,675.10	4,791.98	4,911.78	5,034.56	5,160.45	5,289.45	5,421.69
0444	4,561.08	4,675.10	4,791.98	4,911.78	5,034.56	5,160.45	5,289.45	5,421.69	5,557.23
0445	4,675.10	4,791.98	4,911.78	5,034.56	5,160.45	5,289.45	5,421.69	5,557.23	5,696.17
0446	4,791.98	4,911.78	5,034.56	5,160.45	5,289.45	5,421.69	5,557.23	5,696.17	5,838.57
0447	4,911.78	5,034.56	5,160.45	5,289.45	5,421.69	5,557.23	5,696.17	5,838.57	5,984.53
0448	5,034.56	5,160.45	5,289.45	5,421.69	5,557.23	5,696.17	5,838.57	5,984.53	6,134.15
0449	5,160.45	5,289.45	5,421.69	5,557.23	5,696.17	5,838.57	5,984.53	6,134.15	6,287.49
0450	5,289.45	5,421.69	5,557.23	5,696.17	5,838.57	5,984.53	6,134.15	6,287.49	6,444.68
0451	5,421.69	5,557.23	5,696.17	5,838.57	5,984.53	6,134.15	6,287.49	6,444.68	6,605.80
0452	5,557.23	5,696.17	5,838.57	5,984.53	6,134.15	6,287.49	6,444.68	6,605.80	6,770.95
0453	5,696.17	5,838.57	5,984.53	6,134.15	6,287.49	6,444.68	6,605.80	6,770.95	6,940.21
0454	5,838.57	5,984.53	6,134.15	6,287.49	6,444.68	6,605.80	6,770.95	6,940.21	7,113.73
0455	5,984.53	6,134.15	6,287.49	6,444.68	6,605.80	6,770.95	6,940.21	7,113.73	7,291.58
0456	6,134.15	6,287.49	6,444.68	6,605.80	6,770.95	6,940.21	7,113.73	7,291.58	7,473.87

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

3.00%

HOURLY

Range	1	2	3	4	5	6	7	8	9
0457	36.1350	37.0384	37.9644	38.9135	39.8863	40.8835	41.9056	42.9532	44.0270
0458	37.0384	37.9644	38.9135	39.8863	40.8835	41.9056	42.9532	44.0270	45.1277
0459	37.9644	38.9135	39.8863	40.8835	41.9056	42.9532	44.0270	45.1277	46.2559
0460	38.9135	39.8863	40.8835	41.9056	42.9532	44.0270	45.1277	46.2559	47.4123
0461	39.8863	40.8835	41.9056	42.9532	44.0270	45.1277	46.2559	47.4123	48.5976
0462	40.8835	41.9056	42.9532	44.0270	45.1277	46.2559	47.4123	48.5976	49.8125
0463	41.9056	42.9532	44.0270	45.1277	46.2559	47.4123	48.5976	49.8125	51.0578
0464	42.9532	44.0270	45.1277	46.2559	47.4123	48.5976	49.8125	51.0578	52.3342
0465	44.0270	45.1277	46.2559	47.4123	48.5976	49.8125	51.0578	52.3342	53.6426
0466	45.1277	46.2559	47.4123	48.5976	49.8125	51.0578	52.3342	53.6426	54.9837
0467	46.2559	47.4123	48.5976	49.8125	51.0578	52.3342	53.6426	54.9837	56.3583
0468	47.4123	48.5976	49.8125	51.0578	52.3342	53.6426	54.9837	56.3583	57.7673
0469	48.5976	49.8125	51.0578	52.3342	53.6426	54.9837	56.3583	57.7673	59.2115
0470	49.8125	51.0578	52.3342	53.6426	54.9837	56.3583	57.7673	59.2115	60.6918

BY-WEEKL	1	2	3	4	5	6	7	8	9
0457	2,890.80	2,963.07	3,037.15	3,113.08	3,190.90	3,270.68	3,352.45	3,436.26	3,522.16
0458	2,963.07	3,037.15	3,113.08	3,190.90	3,270.68	3,352.45	3,436.26	3,522.16	3,610.22
0459	3,037.15	3,113.08	3,190.90	3,270.68	3,352.45	3,436.26	3,522.16	3,610.22	3,700.47
0460	3,113.08	3,190.90	3,270.68	3,352.45	3,436.26	3,522.16	3,610.22	3,700.47	3,792.98
0461	3,190.90	3,270.68	3,352.45	3,436.26	3,522.16	3,610.22	3,700.47	3,792.98	3,887.81
0462	3,270.68	3,352.45	3,436.26	3,522.16	3,610.22	3,700.47	3,792.98	3,887.81	3,985.00
0463	3,352.45	3,436.26	3,522.16	3,610.22	3,700.47	3,792.98	3,887.81	3,985.00	4,084.62
0464	3,436.26	3,522.16	3,610.22	3,700.47	3,792.98	3,887.81	3,985.00	4,084.62	4,186.74
0465	3,522.16	3,610.22	3,700.47	3,792.98	3,887.81	3,985.00	4,084.62	4,186.74	4,291.41
0466	3,610.22	3,700.47	3,792.98	3,887.81	3,985.00	4,084.62	4,186.74	4,291.41	4,398.70
0467	3,700.47	3,792.98	3,887.81	3,985.00	4,084.62	4,186.74	4,291.41	4,398.70	4,508.66
0468	3,792.98	3,887.81	3,985.00	4,084.62	4,186.74	4,291.41	4,398.70	4,508.66	4,621.38
0469	3,887.81	3,985.00	4,084.62	4,186.74	4,291.41	4,398.70	4,508.66	4,621.38	4,736.92
0470	3,985.00	4,084.62	4,186.74	4,291.41	4,398.70	4,508.66	4,621.38	4,736.92	4,855.34

MONTHLY	1	2	3	4	5	6	7	8	9
0457	6,287.49	6,444.68	6,605.80	6,770.95	6,940.21	7,113.73	7,291.58	7,473.87	7,660.70
0458	6,444.68	6,605.80	6,770.95	6,940.21	7,113.73	7,291.58	7,473.87	7,660.70	7,852.23
0459	6,605.80	6,770.95	6,940.21	7,113.73	7,291.58	7,473.87	7,660.70	7,852.23	8,048.52
0460	6,770.95	6,940.21	7,113.73	7,291.58	7,473.87	7,660.70	7,852.23	8,048.52	8,249.73
0461	6,940.21	7,113.73	7,291.58	7,473.87	7,660.70	7,852.23	8,048.52	8,249.73	8,455.99
0462	7,113.73	7,291.58	7,473.87	7,660.70	7,852.23	8,048.52	8,249.73	8,455.99	8,667.38
0463	7,291.58	7,473.87	7,660.70	7,852.23	8,048.52	8,249.73	8,455.99	8,667.38	8,884.05
0464	7,473.87	7,660.70	7,852.23	8,048.52	8,249.73	8,455.99	8,667.38	8,884.05	9,106.16
0465	7,660.70	7,852.23	8,048.52	8,249.73	8,455.99	8,667.38	8,884.05	9,106.16	9,333.82
0466	7,852.23	8,048.52	8,249.73	8,455.99	8,667.38	8,884.05	9,106.16	9,333.82	9,567.17
0467	8,048.52	8,249.73	8,455.99	8,667.38	8,884.05	9,106.16	9,333.82	9,567.17	9,806.34
0468	8,249.73	8,455.99	8,667.38	8,884.05	9,106.16	9,333.82	9,567.17	9,806.34	10,051.50
0469	8,455.99	8,667.38	8,884.05	9,106.16	9,333.82	9,567.17	9,806.34	10,051.50	10,302.80
0470	8,667.38	8,884.05	9,106.16	9,333.82	9,567.17	9,806.34	10,051.50	10,302.80	10,560.36

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

3.00%

HOURLY

Range	1	2	3	4	5	6	7	8	9
0471	51.0578	52.3342	53.6426	54.9837	56.3583	57.7673	59.2115	60.6918	62.2091
0472	52.3342	53.6426	54.9837	56.3583	57.7673	59.2115	60.6918	62.2091	63.7643
0473	53.6426	54.9837	56.3583	57.7673	59.2115	60.6918	62.2091	63.7643	65.3584
0474	54.9837	56.3583	57.7673	59.2115	60.6918	62.2091	63.7643	65.3584	66.9924
0475	56.3583	57.7673	59.2115	60.6918	62.2091	63.7643	65.3584	66.9924	68.6672
0476	57.7673	59.2115	60.6918	62.2091	63.7643	65.3584	66.9924	68.6672	70.3839
0477	59.2115	60.6918	62.2091	63.7643	65.3584	66.9924	68.6672	70.3839	72.1435
0478	60.6918	62.2091	63.7643	65.3584	66.9924	68.6672	70.3839	72.1435	73.9471
0479	62.2091	63.7643	65.3584	66.9924	68.6672	70.3839	72.1435	73.9471	75.7958
0480	63.7643	65.3584	66.9924	68.6672	70.3839	72.1435	73.9471	75.7958	77.6907

BY-WEEKL	1	2	3	4	5	6	7	8	9
0471	4,084.62	4,186.74	4,291.41	4,398.70	4,508.66	4,621.38	4,736.92	4,855.34	4,976.73
0472	4,186.74	4,291.41	4,398.70	4,508.66	4,621.38	4,736.92	4,855.34	4,976.73	5,101.14
0473	4,291.41	4,398.70	4,508.66	4,621.38	4,736.92	4,855.34	4,976.73	5,101.14	5,228.67
0474	4,398.70	4,508.66	4,621.38	4,736.92	4,855.34	4,976.73	5,101.14	5,228.67	5,359.39
0475	4,508.66	4,621.38	4,736.92	4,855.34	4,976.73	5,101.14	5,228.67	5,359.39	5,493.38
0476	4,621.38	4,736.92	4,855.34	4,976.73	5,101.14	5,228.67	5,359.39	5,493.38	5,630.71
0477	4,736.92	4,855.34	4,976.73	5,101.14	5,228.67	5,359.39	5,493.38	5,630.71	5,771.48
0478	4,855.34	4,976.73	5,101.14	5,228.67	5,359.39	5,493.38	5,630.71	5,771.48	5,915.77
0479	4,976.73	5,101.14	5,228.67	5,359.39	5,493.38	5,630.71	5,771.48	5,915.77	6,063.66
0480	5,101.14	5,228.67	5,359.39	5,493.38	5,630.71	5,771.48	5,915.77	6,063.66	6,215.26

MONTHLY	1	2	3	4	5	6	7	8	9
0471	8,884.05	9,106.16	9,333.82	9,567.17	9,806.34	10,051.50	10,302.80	10,560.36	10,824.39
0472	9,106.16	9,333.82	9,567.17	9,806.34	10,051.50	10,302.80	10,560.36	10,824.39	11,094.98
0473	9,333.82	9,567.17	9,806.34	10,051.50	10,302.80	10,560.36	10,824.39	11,094.98	11,372.36
0474	9,567.17	9,806.34	10,051.50	10,302.80	10,560.36	10,824.39	11,094.98	11,372.36	11,656.67
0475	9,806.34	10,051.50	10,302.80	10,560.36	10,824.39	11,094.98	11,372.36	11,656.67	11,948.10
0476	10,051.50	10,302.80	10,560.36	10,824.39	11,094.98	11,372.36	11,656.67	11,948.10	12,246.79
0477	10,302.80	10,560.36	10,824.39	11,094.98	11,372.36	11,656.67	11,948.10	12,246.79	12,552.97
0478	10,560.36	10,824.39	11,094.98	11,372.36	11,656.67	11,948.10	12,246.79	12,552.97	12,866.80
0479	10,824.39	11,094.98	11,372.36	11,656.67	11,948.10	12,246.79	12,552.97	12,866.80	13,188.46
0480	11,094.98	11,372.36	11,656.67	11,948.10	12,246.79	12,552.97	12,866.80	13,188.46	13,518.19

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - E
 MANAGEMENT/CONFIDENTIAL FIRE

HOURLY Range	HOURLY								3.00%
	1	2	3	4	5	6	7	8	
0501	20.5714	21.0857	21.6128	22.1531	22.7069	23.2746	23.8565	24.4529	25.0642
0502	21.0857	21.6128	22.1531	22.7069	23.2746	23.8565	24.4529	25.0642	25.6908
0503	21.6128	22.1531	22.7069	23.2746	23.8565	24.4529	25.0642	25.6908	26.3331
0504	22.1531	22.7069	23.2746	23.8565	24.4529	25.0642	25.6908	26.3331	26.9914
0505	22.7069	23.2746	23.8565	24.4529	25.0642	25.6908	26.3331	26.9914	27.6662
0506	23.2746	23.8565	24.4529	25.0642	25.6908	26.3331	26.9914	27.6662	28.3579
0507	23.8565	24.4529	25.0642	25.6908	26.3331	26.9914	27.6662	28.3579	29.0668
0508	24.4529	25.0642	25.6908	26.3331	26.9914	27.6662	28.3579	29.0668	29.7935
0509	25.0642	25.6908	26.3331	26.9914	27.6662	28.3579	29.0668	29.7935	30.5383
0510	25.6908	26.3331	26.9914	27.6662	28.3579	29.0668	29.7935	30.5383	31.3018
0511	26.3331	26.9914	27.6662	28.3579	29.0668	29.7935	30.5383	31.3018	32.0843
0512	26.9914	27.6662	28.3579	29.0668	29.7935	30.5383	31.3018	32.0843	32.8864
0513	27.6662	28.3579	29.0668	29.7935	30.5383	31.3018	32.0843	32.8864	33.7086
0514	28.3579	29.0668	29.7935	30.5383	31.3018	32.0843	32.8864	33.7086	34.5513
BY-WEEKLY	1	2	3	4	5	6	7	8	9
0501	1,645.71	1,686.86	1,729.02	1,772.25	1,816.55	1,861.97	1,908.52	1,956.23	2,005.14
0502	1,686.86	1,729.02	1,772.25	1,816.55	1,861.97	1,908.52	1,956.23	2,005.14	2,055.26
0503	1,729.02	1,772.25	1,816.55	1,861.97	1,908.52	1,956.23	2,005.14	2,055.26	2,106.65
0504	1,772.25	1,816.55	1,861.97	1,908.52	1,956.23	2,005.14	2,055.26	2,106.65	2,159.31
0505	1,816.55	1,861.97	1,908.52	1,956.23	2,005.14	2,055.26	2,106.65	2,159.31	2,213.30
0506	1,861.97	1,908.52	1,956.23	2,005.14	2,055.26	2,106.65	2,159.31	2,213.30	2,268.63
0507	1,908.52	1,956.23	2,005.14	2,055.26	2,106.65	2,159.31	2,213.30	2,268.63	2,325.34
0508	1,956.23	2,005.14	2,055.26	2,106.65	2,159.31	2,213.30	2,268.63	2,325.34	2,383.48
0509	2,005.14	2,055.26	2,106.65	2,159.31	2,213.30	2,268.63	2,325.34	2,383.48	2,443.06
0510	2,055.26	2,106.65	2,159.31	2,213.30	2,268.63	2,325.34	2,383.48	2,443.06	2,504.14
0511	2,106.65	2,159.31	2,213.30	2,268.63	2,325.34	2,383.48	2,443.06	2,504.14	2,566.74
0512	2,159.31	2,213.30	2,268.63	2,325.34	2,383.48	2,443.06	2,504.14	2,566.74	2,630.91
0513	2,213.30	2,268.63	2,325.34	2,383.48	2,443.06	2,504.14	2,566.74	2,630.91	2,696.69
0514	2,268.63	2,325.34	2,383.48	2,443.06	2,504.14	2,566.74	2,630.91	2,696.69	2,764.10
MONTHLY	1	2	3	4	5	6	7	8	9
0501	3,579.42	3,668.92	3,760.62	3,854.64	3,951.00	4,049.78	4,151.03	4,254.80	4,361.18
0502	3,668.92	3,760.62	3,854.64	3,951.00	4,049.78	4,151.03	4,254.80	4,361.18	4,470.19
0503	3,760.62	3,854.64	3,951.00	4,049.78	4,151.03	4,254.80	4,361.18	4,470.19	4,581.96
0504	3,854.64	3,951.00	4,049.78	4,151.03	4,254.80	4,361.18	4,470.19	4,581.96	4,696.50
0505	3,951.00	4,049.78	4,151.03	4,254.80	4,361.18	4,470.19	4,581.96	4,696.50	4,813.93
0506	4,049.78	4,151.03	4,254.80	4,361.18	4,470.19	4,581.96	4,696.50	4,813.93	4,934.27
0507	4,151.03	4,254.80	4,361.18	4,470.19	4,581.96	4,696.50	4,813.93	4,934.27	5,057.61
0508	4,254.80	4,361.18	4,470.19	4,581.96	4,696.50	4,813.93	4,934.27	5,057.61	5,184.07
0509	4,361.18	4,470.19	4,581.96	4,696.50	4,813.93	4,934.27	5,057.61	5,184.07	5,313.66
0510	4,470.19	4,581.96	4,696.50	4,813.93	4,934.27	5,057.61	5,184.07	5,313.66	5,446.50
0511	4,581.96	4,696.50	4,813.93	4,934.27	5,057.61	5,184.07	5,313.66	5,446.50	5,582.66
0512	4,696.50	4,813.93	4,934.27	5,057.61	5,184.07	5,313.66	5,446.50	5,582.66	5,722.23
0513	4,813.93	4,934.27	5,057.61	5,184.07	5,313.66	5,446.50	5,582.66	5,722.23	5,865.30
0514	4,934.27	5,057.61	5,184.07	5,313.66	5,446.50	5,582.66	5,722.23	5,865.30	6,011.92

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - E
MANAGEMENT/CONFIDENTIAL FIRE

HOURLY		HOURLY								3.00%
Range	1	2	3	4	5	6	7	8	9	
0515	29.0668	29.7935	30.5383	31.3018	32.0843	32.8864	33.7086	34.5513	35.4151	
0516	29.7935	30.5383	31.3018	32.0843	32.8864	33.7086	34.5513	35.4151	36.3005	
0517	30.5383	31.3018	32.0843	32.8864	33.7086	34.5513	35.4151	36.3005	37.2080	
0518	31.3018	32.0843	32.8864	33.7086	34.5513	35.4151	36.3005	37.2080	38.1382	
0519	32.0843	32.8864	33.7086	34.5513	35.4151	36.3005	37.2080	38.1382	39.0917	
0520	32.8864	33.7086	34.5513	35.4151	36.3005	37.2080	38.1382	39.0917	40.0690	
0521	33.7086	34.5513	35.4151	36.3005	37.2080	38.1382	39.0917	40.0690	41.0707	
0522	34.5513	35.4151	36.3005	37.2080	38.1382	39.0917	40.0690	41.0707	42.0975	
0523	35.4151	36.3005	37.2080	38.1382	39.0917	40.0690	41.0707	42.0975	43.1499	
0524	36.3005	37.2080	38.1382	39.0917	40.0690	41.0707	42.0975	43.1499	44.2286	
0525	37.2080	38.1382	39.0917	40.0690	41.0707	42.0975	43.1499	44.2286	45.3343	
0526	38.1382	39.0917	40.0690	41.0707	42.0975	43.1499	44.2286	45.3343	46.4677	
0527	39.0917	40.0690	41.0707	42.0975	43.1499	44.2286	45.3343	46.4677	47.6294	
0528	40.0690	41.0707	42.0975	43.1499	44.2286	45.3343	46.4677	47.6294	48.8201	
BY-WEEKLY	1	2	3	4	5	6	7	8	9	
0515	2,325.34	2,383.48	2,443.06	2,504.14	2,566.74	2,630.91	2,696.69	2,764.10	2,833.21	
0516	2,383.48	2,443.06	2,504.14	2,566.74	2,630.91	2,696.69	2,764.10	2,833.21	2,904.04	
0517	2,443.06	2,504.14	2,566.74	2,630.91	2,696.69	2,764.10	2,833.21	2,904.04	2,976.64	
0518	2,504.14	2,566.74	2,630.91	2,696.69	2,764.10	2,833.21	2,904.04	2,976.64	3,051.06	
0519	2,566.74	2,630.91	2,696.69	2,764.10	2,833.21	2,904.04	2,976.64	3,051.06	3,127.34	
0520	2,630.91	2,696.69	2,764.10	2,833.21	2,904.04	2,976.64	3,051.06	3,127.34	3,205.52	
0521	2,696.69	2,764.10	2,833.21	2,904.04	2,976.64	3,051.06	3,127.34	3,205.52	3,285.66	
0522	2,764.10	2,833.21	2,904.04	2,976.64	3,051.06	3,127.34	3,205.52	3,285.66	3,367.80	
0523	2,833.21	2,904.04	2,976.64	3,051.06	3,127.34	3,205.52	3,285.66	3,367.80	3,451.99	
0524	2,904.04	2,976.64	3,051.06	3,127.34	3,205.52	3,285.66	3,367.80	3,451.99	3,538.29	
0525	2,976.64	3,051.06	3,127.34	3,205.52	3,285.66	3,367.80	3,451.99	3,538.29	3,626.74	
0526	3,051.06	3,127.34	3,205.52	3,285.66	3,367.80	3,451.99	3,538.29	3,626.74	3,717.42	
0527	3,127.34	3,205.52	3,285.66	3,367.80	3,451.99	3,538.29	3,626.74	3,717.42	3,810.35	
0528	3,205.52	3,285.66	3,367.80	3,451.99	3,538.29	3,626.74	3,717.42	3,810.35	3,905.61	
MONTHLY	1	2	3	4	5	6	7	8	9	
0515	5,057.61	5,184.07	5,313.66	5,446.50	5,582.66	5,722.23	5,865.30	6,011.92	6,162.23	
0516	5,184.07	5,313.66	5,446.50	5,582.66	5,722.23	5,865.30	6,011.92	6,162.23	6,316.29	
0517	5,313.66	5,446.50	5,582.66	5,722.23	5,865.30	6,011.92	6,162.23	6,316.29	6,474.19	
0518	5,446.50	5,582.66	5,722.23	5,865.30	6,011.92	6,162.23	6,316.29	6,474.19	6,636.06	
0519	5,582.66	5,722.23	5,865.30	6,011.92	6,162.23	6,316.29	6,474.19	6,636.06	6,801.96	
0520	5,722.23	5,865.30	6,011.92	6,162.23	6,316.29	6,474.19	6,636.06	6,801.96	6,972.01	
0521	5,865.30	6,011.92	6,162.23	6,316.29	6,474.19	6,636.06	6,801.96	6,972.01	7,146.31	
0522	6,011.92	6,162.23	6,316.29	6,474.19	6,636.06	6,801.96	6,972.01	7,146.31	7,324.97	
0523	6,162.23	6,316.29	6,474.19	6,636.06	6,801.96	6,972.01	7,146.31	7,324.97	7,508.08	
0524	6,316.29	6,474.19	6,636.06	6,801.96	6,972.01	7,146.31	7,324.97	7,508.08	7,695.78	
0525	6,474.19	6,636.06	6,801.96	6,972.01	7,146.31	7,324.97	7,508.08	7,695.78	7,888.16	
0526	6,636.06	6,801.96	6,972.01	7,146.31	7,324.97	7,508.08	7,695.78	7,888.16	8,085.39	
0527	6,801.96	6,972.01	7,146.31	7,324.97	7,508.08	7,695.78	7,888.16	8,085.39	8,287.51	
0528	6,972.01	7,146.31	7,324.97	7,508.08	7,695.78	7,888.16	8,085.39	8,287.51	8,494.70	

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - E
MANAGEMENT/CONFIDENTIAL FIRE

HOURLY Range	HOURLY								3.00%
	1	2	3	4	5	6	7	8	
0529	41.0707	42.0975	43.1499	44.2286	45.3343	46.4677	47.6294	48.8201	50.0406
0530	42.0975	43.1499	44.2286	45.3343	46.4677	47.6294	48.8201	50.0406	51.2916
0531	43.1499	44.2286	45.3343	46.4677	47.6294	48.8201	50.0406	51.2916	52.5739
0532	44.2286	45.3343	46.4677	47.6294	48.8201	50.0406	51.2916	52.5739	53.8882
0533	45.3343	46.4677	47.6294	48.8201	50.0406	51.2916	52.5739	53.8882	55.2354
0534	46.4677	47.6294	48.8201	50.0406	51.2916	52.5739	53.8882	55.2354	56.6163
0535	47.6294	48.8201	50.0406	51.2916	52.5739	53.8882	55.2354	56.6163	58.0317
0536	48.8201	50.0406	51.2916	52.5739	53.8882	55.2354	56.6163	58.0317	59.4825
0537	50.0406	51.2916	52.5739	53.8882	55.2354	56.6163	58.0317	59.4825	60.9696
0538	51.2916	52.5739	53.8882	55.2354	56.6163	58.0317	59.4825	60.9696	62.4938
0539	52.5739	53.8882	55.2354	56.6163	58.0317	59.4825	60.9696	62.4938	64.0561
0540	53.8882	55.2354	56.6163	58.0317	59.4825	60.9696	62.4938	64.0561	65.6575

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0529	3,285.66	3,367.80	3,451.99	3,538.29	3,626.74	3,717.42	3,810.35	3,905.61	4,003.25
0530	3,367.80	3,451.99	3,538.29	3,626.74	3,717.42	3,810.35	3,905.61	4,003.25	4,103.33
0531	3,451.99	3,538.29	3,626.74	3,717.42	3,810.35	3,905.61	4,003.25	4,103.33	4,205.91
0532	3,538.29	3,626.74	3,717.42	3,810.35	3,905.61	4,003.25	4,103.33	4,205.91	4,311.06
0533	3,626.74	3,717.42	3,810.35	3,905.61	4,003.25	4,103.33	4,205.91	4,311.06	4,418.83
0534	3,717.42	3,810.35	3,905.61	4,003.25	4,103.33	4,205.91	4,311.06	4,418.83	4,529.30
0535	3,810.35	3,905.61	4,003.25	4,103.33	4,205.91	4,311.06	4,418.83	4,529.30	4,642.54
0536	3,905.61	4,003.25	4,103.33	4,205.91	4,311.06	4,418.83	4,529.30	4,642.54	4,758.60
0537	4,003.25	4,103.33	4,205.91	4,311.06	4,418.83	4,529.30	4,642.54	4,758.60	4,877.57
0538	4,103.33	4,205.91	4,311.06	4,418.83	4,529.30	4,642.54	4,758.60	4,877.57	4,999.50
0539	4,205.91	4,311.06	4,418.83	4,529.30	4,642.54	4,758.60	4,877.57	4,999.50	5,124.49
0540	4,311.06	4,418.83	4,529.30	4,642.54	4,758.60	4,877.57	4,999.50	5,124.49	5,252.60

MONTHLY	1	2	3	4	5	6	7	8	9
0529	7,146.31	7,324.97	7,508.08	7,695.78	7,888.16	8,085.39	8,287.51	8,494.70	8,707.07
0530	7,324.97	7,508.08	7,695.78	7,888.16	8,085.39	8,287.51	8,494.70	8,707.07	8,924.74
0531	7,508.08	7,695.78	7,888.16	8,085.39	8,287.51	8,494.70	8,707.07	8,924.74	9,147.85
0532	7,695.78	7,888.16	8,085.39	8,287.51	8,494.70	8,707.07	8,924.74	9,147.85	9,376.56
0533	7,888.16	8,085.39	8,287.51	8,494.70	8,707.07	8,924.74	9,147.85	9,376.56	9,610.96
0534	8,085.39	8,287.51	8,494.70	8,707.07	8,924.74	9,147.85	9,376.56	9,610.96	9,851.23
0535	8,287.51	8,494.70	8,707.07	8,924.74	9,147.85	9,376.56	9,610.96	9,851.23	10,097.52
0536	8,494.70	8,707.07	8,924.74	9,147.85	9,376.56	9,610.96	9,851.23	10,097.52	10,349.96
0537	8,707.07	8,924.74	9,147.85	9,376.56	9,610.96	9,851.23	10,097.52	10,349.96	10,608.71
0538	8,924.74	9,147.85	9,376.56	9,610.96	9,851.23	10,097.52	10,349.96	10,608.71	10,873.91
0539	9,147.85	9,376.56	9,610.96	9,851.23	10,097.52	10,349.96	10,608.71	10,873.91	11,145.77
0540	9,376.56	9,610.96	9,851.23	10,097.52	10,349.96	10,608.71	10,873.91	11,145.77	11,424.41

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - G
 MANAGEMENT/CONFIDENTIAL - POLICE - UNREPRESENTED

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
1601	18.7609	19.2299	19.7106	20.2034	20.7085	21.2262	21.7569	22.3008	22.8583
1602	19.2299	19.7106	20.2034	20.7085	21.2262	21.7569	22.3008	22.8583	23.4298
1603	19.7106	20.2034	20.7085	21.2262	21.7569	22.3008	22.8583	23.4298	24.0155
1604	20.2034	20.7085	21.2262	21.7569	22.3008	22.8583	23.4298	24.0155	24.6159
1605	20.7085	21.2262	21.7569	22.3008	22.8583	23.4298	24.0155	24.6159	25.2313
1606	21.2262	21.7569	22.3008	22.8583	23.4298	24.0155	24.6159	25.2313	25.8621
1607	21.7569	22.3008	22.8583	23.4298	24.0155	24.6159	25.2313	25.8621	26.5087
1608	22.3008	22.8583	23.4298	24.0155	24.6159	25.2313	25.8621	26.5087	27.1714
1609	22.8583	23.4298	24.0155	24.6159	25.2313	25.8621	26.5087	27.1714	27.8507
1610	23.4298	24.0155	24.6159	25.2313	25.8621	26.5087	27.1714	27.8507	28.5470
1611	24.0155	24.6159	25.2313	25.8621	26.5087	27.1714	27.8507	28.5470	29.2607
1612	24.6159	25.2313	25.8621	26.5087	27.1714	27.8507	28.5470	29.2607	29.9922
1613	25.2313	25.8621	26.5087	27.1714	27.8507	28.5470	29.2607	29.9922	30.7420
1614	25.8621	26.5087	27.1714	27.8507	28.5470	29.2607	29.9922	30.7420	31.5106

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1601	1,500.87	1,538.39	1,576.85	1,616.27	1,656.68	1,698.10	1,740.55	1,784.06	1,828.66
1602	1,538.39	1,576.85	1,616.27	1,656.68	1,698.10	1,740.55	1,784.06	1,828.66	1,874.38
1603	1,576.85	1,616.27	1,656.68	1,698.10	1,740.55	1,784.06	1,828.66	1,874.38	1,921.24
1604	1,616.27	1,656.68	1,698.10	1,740.55	1,784.06	1,828.66	1,874.38	1,921.24	1,969.27
1605	1,656.68	1,698.10	1,740.55	1,784.06	1,828.66	1,874.38	1,921.24	1,969.27	2,018.50
1606	1,698.10	1,740.55	1,784.06	1,828.66	1,874.38	1,921.24	1,969.27	2,018.50	2,068.97
1607	1,740.55	1,784.06	1,828.66	1,874.38	1,921.24	1,969.27	2,018.50	2,068.97	2,120.70
1608	1,784.06	1,828.66	1,874.38	1,921.24	1,969.27	2,018.50	2,068.97	2,120.70	2,173.71
1609	1,828.66	1,874.38	1,921.24	1,969.27	2,018.50	2,068.97	2,120.70	2,173.71	2,228.06
1610	1,874.38	1,921.24	1,969.27	2,018.50	2,068.97	2,120.70	2,173.71	2,228.06	2,283.76
1611	1,921.24	1,969.27	2,018.50	2,068.97	2,120.70	2,173.71	2,228.06	2,283.76	2,340.86
1612	1,969.27	2,018.50	2,068.97	2,120.70	2,173.71	2,228.06	2,283.76	2,340.86	2,399.38
1613	2,018.50	2,068.97	2,120.70	2,173.71	2,228.06	2,283.76	2,340.86	2,399.38	2,459.36
1614	2,068.97	2,120.70	2,173.71	2,228.06	2,283.76	2,340.86	2,399.38	2,459.36	2,520.85

MONTHLY	1	2	3	4	5	6	7	8	9
1601	3,264.39	3,346.00	3,429.65	3,515.39	3,603.28	3,693.37	3,785.70	3,880.33	3,977.34
1602	3,346.00	3,429.65	3,515.39	3,603.28	3,693.37	3,785.70	3,880.33	3,977.34	4,076.78
1603	3,429.65	3,515.39	3,603.28	3,693.37	3,785.70	3,880.33	3,977.34	4,076.78	4,178.70
1604	3,515.39	3,603.28	3,693.37	3,785.70	3,880.33	3,977.34	4,076.78	4,178.70	4,283.16
1605	3,603.28	3,693.37	3,785.70	3,880.33	3,977.34	4,076.78	4,178.70	4,283.16	4,390.24
1606	3,693.37	3,785.70	3,880.33	3,977.34	4,076.78	4,178.70	4,283.16	4,390.24	4,500.01
1607	3,785.70	3,880.33	3,977.34	4,076.78	4,178.70	4,283.16	4,390.24	4,500.01	4,612.52
1608	3,880.33	3,977.34	4,076.78	4,178.70	4,283.16	4,390.24	4,500.01	4,612.52	4,727.82
1609	3,977.34	4,076.78	4,178.70	4,283.16	4,390.24	4,500.01	4,612.52	4,727.82	4,846.03
1610	4,076.78	4,178.70	4,283.16	4,390.24	4,500.01	4,612.52	4,727.82	4,846.03	4,967.18
1611	4,178.70	4,283.16	4,390.24	4,500.01	4,612.52	4,727.82	4,846.03	4,967.18	5,091.37
1612	4,283.16	4,390.24	4,500.01	4,612.52	4,727.82	4,846.03	4,967.18	5,091.37	5,218.65
1613	4,390.24	4,500.01	4,612.52	4,727.82	4,846.03	4,967.18	5,091.37	5,218.65	5,349.11
1614	4,500.01	4,612.52	4,727.82	4,846.03	4,967.18	5,091.37	5,218.65	5,349.11	5,482.85

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96**

SCHEDULE - G

EFFECTIVE 6/27/95, Amended 11/14/95

MANAGEMENT/CONFIDENTIAL - POLICE - UNREPRESENTED

HOURLY

3.00%

Range	1	2	3	4	5	6	7	8	9
1615	26.5087	27.1714	27.8507	28.5470	29.2607	29.9922	30.7420	31.5106	32.2984
1616	27.1714	27.8507	28.5470	29.2607	29.9922	30.7420	31.5106	32.2984	33.1059
1617	27.8507	28.5470	29.2607	29.9922	30.7420	31.5106	32.2984	33.1059	33.9335
1618	28.5470	29.2607	29.9922	30.7420	31.5106	32.2984	33.1059	33.9335	34.7818
1619	29.2607	29.9922	30.7420	31.5106	32.2984	33.1059	33.9335	34.7818	35.6513
1620	29.9922	30.7420	31.5106	32.2984	33.1059	33.9335	34.7818	35.6513	36.5426
1621	30.7420	31.5106	32.2984	33.1059	33.9335	34.7818	35.6513	36.5426	37.4562
1622	31.5106	32.2984	33.1059	33.9335	34.7818	35.6513	36.5426	37.4562	38.3926
1623	32.2984	33.1059	33.9335	34.7818	35.6513	36.5426	37.4562	38.3926	39.3524
1624	33.1059	33.9335	34.7818	35.6513	36.5426	37.4562	38.3926	39.3524	40.3362
1625	33.9335	34.7818	35.6513	36.5426	37.4562	38.3926	39.3524	40.3362	41.3446
1626	34.7818	35.6513	36.5426	37.4562	38.3926	39.3524	40.3362	41.3446	42.3782
1627	35.6513	36.5426	37.4562	38.3926	39.3524	40.3362	41.3446	42.3782	43.4377
1628	36.5426	37.4562	38.3926	39.3524	40.3362	41.3446	42.3782	43.4377	44.5236

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,120.70	2,173.71	2,228.06	2,283.76	2,340.86	2,399.38	2,459.36	2,520.85	2,583.87
1616	2,173.71	2,228.06	2,283.76	2,340.86	2,399.38	2,459.36	2,520.85	2,583.87	2,648.47
1617	2,228.06	2,283.76	2,340.86	2,399.38	2,459.36	2,520.85	2,583.87	2,648.47	2,714.68
1618	2,283.76	2,340.86	2,399.38	2,459.36	2,520.85	2,583.87	2,648.47	2,714.68	2,782.54
1619	2,340.86	2,399.38	2,459.36	2,520.85	2,583.87	2,648.47	2,714.68	2,782.54	2,852.10
1620	2,399.38	2,459.36	2,520.85	2,583.87	2,648.47	2,714.68	2,782.54	2,852.10	2,923.41
1621	2,459.36	2,520.85	2,583.87	2,648.47	2,714.68	2,782.54	2,852.10	2,923.41	2,996.50
1622	2,520.85	2,583.87	2,648.47	2,714.68	2,782.54	2,852.10	2,923.41	2,996.50	3,071.41
1623	2,583.87	2,648.47	2,714.68	2,782.54	2,852.10	2,923.41	2,996.50	3,071.41	3,148.19
1624	2,648.47	2,714.68	2,782.54	2,852.10	2,923.41	2,996.50	3,071.41	3,148.19	3,226.90
1625	2,714.68	2,782.54	2,852.10	2,923.41	2,996.50	3,071.41	3,148.19	3,226.90	3,307.57
1626	2,782.54	2,852.10	2,923.41	2,996.50	3,071.41	3,148.19	3,226.90	3,307.57	3,390.26
1627	2,852.10	2,923.41	2,996.50	3,071.41	3,148.19	3,226.90	3,307.57	3,390.26	3,475.02
1628	2,923.41	2,996.50	3,071.41	3,148.19	3,226.90	3,307.57	3,390.26	3,475.02	3,561.89

MONTHLY	1	2	3	4	5	6	7	8	9
1615	4,612.52	4,727.82	4,846.03	4,967.18	5,091.37	5,218.65	5,349.11	5,482.85	5,619.92
1616	4,727.82	4,846.03	4,967.18	5,091.37	5,218.65	5,349.11	5,482.85	5,619.92	5,760.42
1617	4,846.03	4,967.18	5,091.37	5,218.65	5,349.11	5,482.85	5,619.92	5,760.42	5,904.43
1618	4,967.18	5,091.37	5,218.65	5,349.11	5,482.85	5,619.92	5,760.42	5,904.43	6,052.02
1619	5,091.37	5,218.65	5,349.11	5,482.85	5,619.92	5,760.42	5,904.43	6,052.02	6,203.32
1620	5,218.65	5,349.11	5,482.85	5,619.92	5,760.42	5,904.43	6,052.02	6,203.32	6,358.42
1621	5,349.11	5,482.85	5,619.92	5,760.42	5,904.43	6,052.02	6,203.32	6,358.42	6,517.39
1622	5,482.85	5,619.92	5,760.42	5,904.43	6,052.02	6,203.32	6,358.42	6,517.39	6,680.32
1623	5,619.92	5,760.42	5,904.43	6,052.02	6,203.32	6,358.42	6,517.39	6,680.32	6,847.31
1624	5,760.42	5,904.43	6,052.02	6,203.32	6,358.42	6,517.39	6,680.32	6,847.31	7,018.51
1625	5,904.43	6,052.02	6,203.32	6,358.42	6,517.39	6,680.32	6,847.31	7,018.51	7,193.96
1626	6,052.02	6,203.32	6,358.42	6,517.39	6,680.32	6,847.31	7,018.51	7,193.96	7,373.82
1627	6,203.32	6,358.42	6,517.39	6,680.32	6,847.31	7,018.51	7,193.96	7,373.82	7,558.17
1628	6,358.42	6,517.39	6,680.32	6,847.31	7,018.51	7,193.96	7,373.82	7,558.17	7,747.11

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 95-96
EFFECTIVE 6/27/95, Amended 11/14/95

SCHEDULE - G
 MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY

3.00%

Range	1	2	3	4	5	6	7	8	9
1629	37.4562	38.3926	39.3524	40.3362	41.3446	42.3782	43.4377	44.5236	45.6367
1630	38.3926	39.3524	40.3362	41.3446	42.3782	43.4377	44.5236	45.6367	46.7776
1631	39.3524	40.3362	41.3446	42.3782	43.4377	44.5236	45.6367	46.7776	47.9470
1632	40.3362	41.3446	42.3782	43.4377	44.5236	45.6367	46.7776	47.9470	49.1457
1633	41.3446	42.3782	43.4377	44.5236	45.6367	46.7776	47.9470	49.1457	50.3743
1634	42.3782	43.4377	44.5236	45.6367	46.7776	47.9470	49.1457	50.3743	51.6337
1635	43.4377	44.5236	45.6367	46.7776	47.9470	49.1457	50.3743	51.6337	52.9245
1636	44.5236	45.6367	46.7776	47.9470	49.1457	50.3743	51.6337	52.9245	54.2476
1637	45.6367	46.7776	47.9470	49.1457	50.3743	51.6337	52.9245	54.2476	55.6038
1638	46.7776	47.9470	49.1457	50.3743	51.6337	52.9245	54.2476	55.6038	56.9939
1639	47.9470	49.1457	50.3743	51.6337	52.9245	54.2476	55.6038	56.9939	58.4187
1640	49.1457	50.3743	51.6337	52.9245	54.2476	55.6038	56.9939	58.4187	59.8792

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1629	2,996.50	3,071.41	3,148.19	3,226.90	3,307.57	3,390.26	3,475.02	3,561.89	3,650.94
1630	3,071.41	3,148.19	3,226.90	3,307.57	3,390.26	3,475.02	3,561.89	3,650.94	3,742.21
1631	3,148.19	3,226.90	3,307.57	3,390.26	3,475.02	3,561.89	3,650.94	3,742.21	3,835.76
1632	3,226.90	3,307.57	3,390.26	3,475.02	3,561.89	3,650.94	3,742.21	3,835.76	3,931.66
1633	3,307.57	3,390.26	3,475.02	3,561.89	3,650.94	3,742.21	3,835.76	3,931.66	4,029.94
1634	3,390.26	3,475.02	3,561.89	3,650.94	3,742.21	3,835.76	3,931.66	4,029.94	4,130.70
1635	3,475.02	3,561.89	3,650.94	3,742.21	3,835.76	3,931.66	4,029.94	4,130.70	4,233.96
1636	3,561.89	3,650.94	3,742.21	3,835.76	3,931.66	4,029.94	4,130.70	4,233.96	4,339.81
1637	3,650.94	3,742.21	3,835.76	3,931.66	4,029.94	4,130.70	4,233.96	4,339.81	4,448.30
1638	3,742.21	3,835.76	3,931.66	4,029.94	4,130.70	4,233.96	4,339.81	4,448.30	4,559.51
1639	3,835.76	3,931.66	4,029.94	4,130.70	4,233.96	4,339.81	4,448.30	4,559.51	4,673.50
1640	3,931.66	4,029.94	4,130.70	4,233.96	4,339.81	4,448.30	4,559.51	4,673.50	4,790.34

MONTHLY	1	2	3	4	5	6	7	8	9
1629	6,517.39	6,680.32	6,847.31	7,018.51	7,193.96	7,373.82	7,558.17	7,747.11	7,940.79
1630	6,680.32	6,847.31	7,018.51	7,193.96	7,373.82	7,558.17	7,747.11	7,940.79	8,139.31
1631	6,847.31	7,018.51	7,193.96	7,373.82	7,558.17	7,747.11	7,940.79	8,139.31	8,342.78
1632	7,018.51	7,193.96	7,373.82	7,558.17	7,747.11	7,940.79	8,139.31	8,342.78	8,551.36
1633	7,193.96	7,373.82	7,558.17	7,747.11	7,940.79	8,139.31	8,342.78	8,551.36	8,765.12
1634	7,373.82	7,558.17	7,747.11	7,940.79	8,139.31	8,342.78	8,551.36	8,765.12	8,984.27
1635	7,558.17	7,747.11	7,940.79	8,139.31	8,342.78	8,551.36	8,765.12	8,984.27	9,208.86
1636	7,747.11	7,940.79	8,139.31	8,342.78	8,551.36	8,765.12	8,984.27	9,208.86	9,439.09
1637	7,940.79	8,139.31	8,342.78	8,551.36	8,765.12	8,984.27	9,208.86	9,439.09	9,675.05
1638	8,139.31	8,342.78	8,551.36	8,765.12	8,984.27	9,208.86	9,439.09	9,675.05	9,916.93
1639	8,342.78	8,551.36	8,765.12	8,984.27	9,208.86	9,439.09	9,675.05	9,916.93	10,164.86
1640	8,551.36	8,765.12	8,984.27	9,208.86	9,439.09	9,675.05	9,916.93	10,164.86	10,418.99

MODESTO CITY COUNCIL
RESOLUTION 95-531

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDS (\$1,500) FROM THE GENERAL FUND CONTINGENCY RESERVE TO CULTURAL PROMOTIONS, FOURTH OF JULY CELEBRATION.

WHEREAS, additional financial assistance from the Fourth of July Celebration Committee has been requested. The increase is to help balance the group's deficit from the 1995 July Fourth Celebration.

WHEREAS, on October 11, 1995, the Financial Policy Committee met and recommended an increase of the original request from \$1,300 to \$1,500 from the General Fund Contingency Reserve 010-800-8000-8003 to 010-360-3622-1002, Cultural Promotions, Fourth of July Celebration.

WHEREAS, on November 7, 1995 the City Council approved the recommendation by the Culture Commission for the Fourth of July Celebration and increased the 1995-96 fiscal budget by an additional \$1,500.

WHEREAS, the following adjustments are necessary:

General Fund Reserve		Increase (Decrease)
Fund/Agy/Org Expenditures		
010-800-8000-8003	General Fund Reserve	(\$1,500)
Cultural Promotions		Increase (Decrease)
Fund/Agy/Org Expenditures		
010-360-3622-1002	Fourth of July Celebration	\$1,500

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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-532

A RESOLUTION APPROVING AN AGREEMENT AND QUITCLAIM BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT, AND ACCEPTING PROPERTY FROM MODESTO IRRIGATION DISTRICT CONSISTING OF A PORTION OF LATERAL NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement and quitclaim between the City of Modesto and Modesto Irrigation District for transfer of the right-of-way of a portion of Lateral No. 2 pipeline be, and it is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it is willing to accept property from Modesto Irrigation District consisting of a portion of former M.I.D. Lateral No. 2 west of Covena Road.

BE IT FURTHER RESOLVED that the execution of said agreement, said quitclaim, and certificate of acceptance 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 November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-533

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CATHERINE L. BANGHARD, DBA KAY'S COLLECTIBLES AND COSTUME RENTALS, FOR LEASE OF 1904 H STREET, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Catherine L. Banghard, dba Kay's Collectibles and Costume Rentals, for lease of property located at 1904 H Street be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said lease 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 November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-534

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVE RIBEIRO FOR DAMAGE CAUSED BY THE LAKEWOOD SEWER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dave Ribeiro for damage caused by the Lakewood Sewer project 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 November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

2012

MODESTO CITY COUNCIL
RESOLUTION NO. 95-535

A RESOLUTION IN SUPPORT OF SAAG'S STATE
HIGHWAY PRIORITIES AND RECOMMENDING THAT NO
PROJECTS IN STANISLAUS COUNTY BE DELETED FROM
THE STATE TRANSPORTATION IMPROVEMENT PROGRAM.

WHEREAS, the State of California has a very serious
funding shortfall in the State Transportation Improvement
Program, and

WHEREAS, the Department of Transportation is currently
reviewing potential projects for deletion from the State Program
and has requested that regional agencies identify projects that
could potentially be deleted from the State program, and

WHEREAS, the Stanislaus Area Association of Governments
has only three projects that could potentially be deleted from
the State program - the Oakdale Bypass, which is this region's
number 1 priority project; the Route 99 widening project between
Ripon and Manteca, which is a project important to the residents
of this count; and the Route 99 soundwall project at Hatch Road,
and

WHEREAS, Stanislaus County is a deficit county and has
historically not received its fair share of State highway
projects, and

WHEREAS, the Stanislaus Area Association of Governments
Policy Board has recommended that, as such, no projects in this
county be deleted from the State program, and

WHEREAS, the Stanislaus Area Association of Governments
policy Board has recommended that each of the cities and the

county pass resolutions in support of SAAG's State highway priorities,

NOW, THEREFORE, BE IT RESOLVED, that the City of Modesto endorses the three transportation projects supported by the Stanislaus Area Association of Governments Policy Board, including the Oakdale Bypass, the Route 99 widening project between Ripon and Manteca, and a soundwall on Route 99.

BE IT FURTHER RESOLVED, the City of Modesto agrees with the SAAG Policy Board that no projects in this county be deleted from the State program and that, in particular, the Oakdale Bypass and the Route 99 widening project be protected from any attempts by the California Transportation Commission to delete them from the State program.

BE IT FURTHER RESOLVED, that the City of Modesto agrees with the position of the SAAG Policy Board that, since Stanislaus County is deficit county and has no projects that should be deleted, the California Transportation Commission should focus on deleting those projects statewide in surplus counties that are ill-defined or not far along in the project development process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan,
Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-536

A RESOLUTION APPROVING THE FINAL MAP OF THE
SYMPHONY PLACE NO. 1 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, Sarjak Enterprises, Inc., is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.79 acres, known as the Symphony Place No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission on the 7th day of December, 1993, 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 Symphony Place No. 1 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, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the 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.

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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-537

A RESOLUTION CHANGING THE STREET NAME OF
MUGHO PINE DRIVE TO KIRSCHEN DRIVE IN THE
CITY OF MODESTO.

WHEREAS, it is proposed by Modesto City Schools to
change the street name of Mugho Pine Drive to Kirschen Drive, as
a measure of respect and honor to Harriette Kirschen, and

WHEREAS, there are no other property owners with a
Mugho Pine Drive address other than the school, and

WHEREAS, said matter was considered by the City Council
at its meeting held at 7:00 p.m. on November 7, 1995, in the
Council Chambers located at 801 11th Street in the City of
Modesto, and

WHEREAS, Section 34091.1 of the Government Code of the
State of California provides that when the existing name of any
city street should be changed, the legislative body is authorized
to adopt a resolution to change the name of existing streets,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby approves the proposal to change the street
name of Mugho Pine Drive to Kirschen Drive.

BE IT FURTHER RESOLVED that in accordance with
Government Code Section 34092 the City Clerk is directed to
transmit a certified copy of this resolution to the Stanislaus
County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-538

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONFIRM THE COSTS OF DEMOLISHING A STRUCTURE AT 620 BENSON AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 21, 1995, at 7:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to confirm the costs of demolishing a structure at 620 Benson Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 1995, 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:	Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Friedman

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-539

A RESOLUTION ACCEPTING THE RESIGNATION OF C. LYNNE GONZALES FROM THE MODESTO PLANNING COMMISSION

WHEREAS, C. Lynne Gonzales was appointed a member of the Modesto Planning Commission on July 9, 1991; and

WHEREAS, C. Lynne Gonzales has tendered her resignation from the Modesto Planning Commission effective November 7, 1995; and

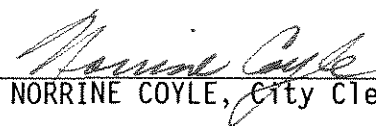
WHEREAS, C. Lynne Gonzales has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of C. Lynne Gonzales from the Modesto 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 C. Lynne Gonzales 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-540

A RESOLUTION ACCEPTING THE RESIGNATION OF MARIAN MARTINO FROM THE COMMUNITY QUALITIES FORUM

WHEREAS, Marian Martino was appointed a member of the Community Qualities Forum on December 22, 1992; and

WHEREAS, Marian Martino has tendered her resignation from the Modesto Planning Commission effective November 7, 1995; and

WHEREAS, Marian Martino 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 Marian Martino 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 Marian Martino 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 7th day of November, 1995, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: 
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-541

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO CONFIRMING THE CANVASS OF THE REGULAR
MUNICIPAL ELECTION HELD IN THE CITY OF
MODESTO ON NOVEMBER 7, 1995, DECLARING THE
RESULTS OF SAID ELECTION, AND RECOGNIZING A
RUNOFF ELECTION TO BE HELD ON DECEMBER 12,
1995.

WHEREAS, by Resolution No. 95-353, adopted on July 11,
1995, the Council of the City of Modesto proposed a Charter
amendment to be placed on the ballot for the Regular Municipal
Election to be held on Tuesday, November 7, 1995, in the City of
Modesto, for the purpose of submitting to the qualified electors
of said City a proposal, by motion of the Council, to amend
Section 502 of the Charter relating to Council Vacancies, and

WHEREAS, said proposal was placed on the ballot for
said Regular Municipal Election to amend Section 502 of the
Charter relating to Council Vacancies, as follows:

CITY OF MODESTO MEASURE		
<u>MEASURE G</u> City of Modesto Charter Proposal:	Shall the Modesto City Charter be amended to provide that a vacancy on the Council shall exist if any member, including the Mayor, is absent for any reason from twelve consecutive regular meetings; and at any time prior to the twelfth such consecutive absence, the Council, in its discretion, may increase the number of absences causing a vacancy from twelve to sixteen.	YES
		NO

and

WHEREAS, by Resolution No. 95-354, adopted on July 11, 1995, the Council of the City of Modesto directed the City Clerk to add Council Chair No. 4 for a term of two years to the ballot for the Regular Municipal Election to be held on November 7, 1995, to determine who should fill the vacancy on the City Council created by the resignation of former Councilmember Richard Patterson, which will expire in November, 1997, and

WHEREAS, on Tuesday, November 7, 1995, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect the following:

1. One Mayor, for the City of Modesto for a term of four years;
2. One Councilmember to Chair No. 1, for a term of four years;
3. One Councilmember to Chair No. 3, for a term of four years;
4. One Councilmember to Chair No. 4, for a term of two years;
5. One Councilmember to Chair No. 6, for a term of four years, and
6. Three members to the Modesto Board of Education of said District, for a term of four years,

and

WHEREAS, said election was held on Tuesday, November 7, 1995, 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 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 municipal election shall be held at which the two candidates receiving the highest number of vote at the first election shall have their names on the ballot for election to the office, and

WHEREAS, the City Clerk canvassed the returns of said regular 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 November 13, 1995, a copy of which is attached 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 22933 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 whole number of votes cast in the Modesto High School District.
- (c) The names of the persons voted for.
- (d) For what office each person was voted for.
- (e) The number of votes given in the city to each person.
- (f) The number of votes given in the city for Measure G.

SECTION 3. That 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 his/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:

Richard A. Lang	Mayor, for the City of Modesto for a term of four years,
Stan Dobbs	Councilmember, for a term of four years, Chair No. 1, Modesto City Council.
Gerald L. McKinsey	Councilmember, for a term of four years, Chair No. 3, Modesto City Council.
Odessa Johnson	Member, Modesto Board of Education, for a term of four years.
John N. Uhl	Member, Modesto Board of Education, for a term of four years.

Robert Jackson Member, Modesto Board of Education,
for a term of four years.

At said Regular Municipal Election a majority vote was not cast for Councilmember for Chairs Nos. 4 and 6, therefore, a second municipal election shall be held on Tuesday, December 12, 1995, at which time the two candidates receiving the highest number of votes for Chair No. 4, Mike Serpa and Jesse L. Alexander, for a term of two years, and the two candidates receiving the highest number of votes for Chair No. 6, Larry D. McCormick and Tim Fisher, for a term of four years, shall have their names on the ballot for election to the office of Councilmember.

SECTION 4. The following votes were cast for Measure G, the proposal to amend Section 502 of the Charter of the City of Modesto to provide for filling Council Vacancies:

<u>MEASURE G</u>	<u>Total Votes For</u>	<u>Total Votes Against</u>
City of Modesto Charter Proposal	15,653	4,087

More than a majority of all of the votes cast at the election on Measure G were in favor of said Charter Proposal and said Charter Proposal did carry and was approved and was ratified by a majority of the qualified voters voting on said Charter Proposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY COUNCIL AGENDA NOVEMBER 14, 1995

ITEM A

CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION

November 7, 1995

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 9, 1995, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 7, 1995, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Mayor

Richard A. Lang	14,958	65.4%
Carmen Sabatino	7,899	34.5%

Chair 1, Modesto City Council

Stan Dobbs	11,351	51.8%
Theodore M. Cook	6,225	28.4%
Ruthie Buchanan	2,618	11.9%
Frank T. Leonard	1,718	7.8%

Chair 3, Modesto City Council

Gerald L. McKinsey	12,124	53.8%
Elizabeth (Betty) Ustach	9,151	40.6%
Jose Lugo	1,235	5.4%

Chair 4, Modesto City Council (Short Term)

Mike Serpa	5,661	26.0%
Jesse L. Alexander	4,632	21.2%
Forrest E. Heath	4,590	21.0%
Virgil McVicker	2,947	13.5%
Rickey McGill	2,292	10.5%
Magruder (Mac) Taylor	1,637	7.5%

Chair 6, Modesto City Council

Larry D. McCormick	5,374	24.8%
Tim Fisher	5,272	24.3%
David Sundy, Sr.	3,727	17.2%
Sal Morales	2,153	9.9%
Steve Burke	1,572	7.2%
Irma Dean Ragland	1,033	4.7%
Marcus Allen Nugent	785	3.6%
Mike Lincoln	598	2.7%
Jerry L. Kline	542	2.5%
Tai Christopher Bogan	346	1.6%
Harvey St. Nicolas	130	.6%
Eric M. T. Mosness	84	.3%

Measure G, Modesto Charter Amendment, Council Meeting Absences

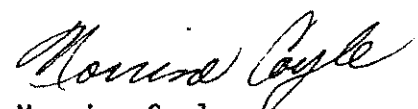
Yes	15,653	79.2%
No	4,087	20.7%

Member, Modesto Board of Education

Odessa Johnson	11,432	15.8%
John M. Uhl	10,964	15.2%
Bob Jackson	9,353	12.9%
Gary R. Vance	9,301	12.8%
Tina R. Farthing	7,351	10.1%
John Hernandez	4,692	6.5%
Patricia Sinkovic	3,923	5.4%
Mary Harris	3,634	5.0%
Bill Cameron	3,470	4.8%
Jim Pregler	2,376	3.2%
Regina Guzman	1,835	2.5%
Walter F. Ragland	1,653	2.2%
Don Hopper	1,260	1.7%
Judith O'Brien-West	869	1.2%

Voter Turnout

City of Modesto	23,658	29.6%
Modesto High School District	27,761	28.0%


Norrine Coyle
City Clerk & Auditor
City of Modesto

November 13, 1995

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-542

A RESOLUTION DESIGNATING THE WISSNER MEDICAL OFFICE BUILDING AT 901 MCHENRY AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: JOHN HERTLE)

WHEREAS, Chapter 10 of Title IX 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 16, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 95-5, that the Wissner Office Building at 901 McHenry Avenue 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, and adaptive use are economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact and have been restored.
4. The existing and proposed uses are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on November 14, 1995, in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, the Council found and determined that the Wissner Medical Office Building at 901 McHenry Avenue 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 at 901 McHenry Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Wissner Medical Office Building at 901 McHenry Avenue has architectural significance a surviving mission-style commercial building from the 1930's, and is hereby designated a Landmark Preservation Site.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McKinsey, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

"EXHIBIT A"

All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Parcel "B" as per map filed June 27, 1968, in Book 5 of Parcels Maps, Page 107, Stanislaus County Records.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-543

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A QUICK CHEM 8000 AUTOMATED ION ANALYZER FROM LACHAT INSTRUMENTS

WHEREAS, Municipal Code Sections 8-3.202.h and 8-3.203.d allow for the approval by Council to join with the State of California and other units of government in cooperative purchasing plans and to determine that a process other than the formal bid procedure will result in a procurement for the City at the lowest possible cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a Quick Chem 8000 Automated Ion Analyzer for Fiscal Year 1995-96 is hereby waived.

BE IT FURTHER RESOLVED that purchase of a Quick Chem 8000 Automated Ion Analyzer for Fiscal Year 1995-96 from the best available competitively bid or cooperative contract source, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-544

A RESOLUTION AUTHORIZING FIRE DEPARTMENT
PERSONNEL AS GENERAL SERVICES ADMINISTRATION
(GSA) SURPLUS PROPERTY SCREENERs.

WHEREAS, Council approval is required by the State of California Department of General Services, Office of Procurement Surplus Equipment, to authorize Fire Department representatives to review and purchase surplus equipment that is available through General Services Administration (GSA) and military base closures, and

WHEREAS, surplus GSA equipment is available to the City of Modesto through authorized "screeners" at a reduced cost, and

WHEREAS, equipment available for review includes items for station use, limited fire equipment and apparatus (CFR - Crash/Fire/Rescue apparatus used for airport fire protection),

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes six (6) Fire Department representatives to serve as "screeners" as required by the State of California Department of General Services, Office of Procurement Surplus Equipment, to review and purchase surplus equipment that is available through General Services Administration (GSA) and military base closures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-545

A RESOLUTION APPOINTING STAN DOBBS, KENNI FRIEDMAN, AND JANINE MCCLANAHAN TO
THE MODESTO IRRIGATION DISTRICT DRINKING WATER PROJECT POLICY COMMITTEE

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

SECTION 1. Stan Dobbs, Kenni Friedman, and Janine McClanahan are hereby
appointed to the Modesto Irrigation District Drinking Water Project Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the appointed member of the Modesto Irrigation District Drinking
Water Project 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 14th day of November, 1995 by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Cogdill, was upon roll call carried and the
resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-546

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND STANCO TO MANAGE THE CITY OF MODESTO'S TRANSITIONAL HOUSING PROGRAM FOR 1995-96

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and STANCO to manage the City of Modesto's Transitional Housing Program for FY 1995-96 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-547

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND CATHOLIC CHARITIES TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Catholic Charities to be funded with Community Development Block Grant Funds during Fiscal Year 1995-96 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 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-548

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY GARRETT FOR THE PURPOSE OF REHABILITATING PROPERTIES PURSUANT TO THE CITY OF MODESTO'S HOUSING REHABILITATION PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the financing agreement between the City of Modesto and Jerry Garrett for the purpose of rehabilitating properties pursuant to the City of Modesto's Housing Rehabilitation Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said financing agreement by the designated city officials be authorized.

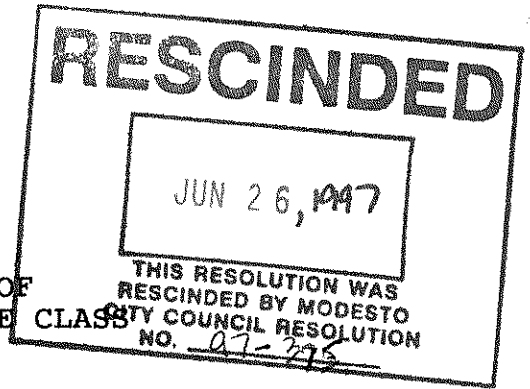
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-549

A RESOLUTION AMENDING EXHIBIT "G" OF
RESOLUTION NO. 95-310, TO AMEND THE CLASS
RANGE TABLE FOR CITY ATTORNEY.



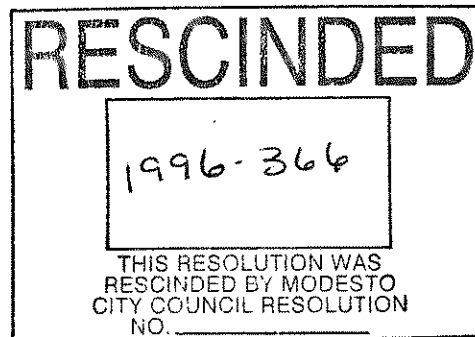
BE IT RESOLVED by the Council of the City of Modesto as

follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "G" entitled "City of Modesto Class Range Table
Executive Management Effective June 27, 1995", attached to
Resolution No. 95-310, is hereby amended as shown on the amended
Exhibit "G" entitled, "City of Modesto Class Range Table
Executive Management Effective November 14, 1995", which is
attached hereto and made a part hereof as though set forth in
full herein. Said amended Exhibit "G" adjusts the salary range
for the position of City Attorney by five (5%) percent from Range
722 to Range 724.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after November 14, 1995.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective November 14, 1995

RANGE	TITLE	MINIMUM	MAXIMUM
705	City Clerk/Auditor	4320	5401
706			
707-711			
712			
713	Personnel Director	5266	6584
714			
715			
716			
717	Finance Director	5814	7268
718			
719			
720	Parks & Recreation Director Fire Chief	6261	7827
721			
722	Police Chief Community Development Director	6578	8222
723	Public Works and Transportation Director	6742	8428
724	Deputy City Manager City Attorney	6911	8639
725			
726			
727			
728	City Manager	7628	9536

MODESTO CITY COUNCIL
RESOLUTION NO. 95-550

A RESOLUTION AUTHORIZING A FIVE PERCENT
INCREASE IN COMPENSATION FOR THE CITY
ATTORNEY EFFECTIVE NOVEMBER 14, 1995.

WHEREAS, as a Council appointee, the City Attorney's
salary is subject to periodic adjustment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that a five percent (5%) increase in compensation
for City Attorney, Michael D. Milich, is hereby approved
effective November 14, 1995.

The foregoing resolution was introduced at a regular
meeting of the Council of the City of Modesto held on the 14th
day of November, 1995, by Councilmember Friedman,
who moved its adoption, which motion being duly seconded by
Councilmember Cogdill, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-551

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION TO THE RESOURCES AGENCY OF CALIFORNIA FOR FUNDING UNDER THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM.

WHEREAS, City staff has recently been notified of the opportunity to submit grant applications to the Resources Agency of California for projects that qualify for Environmental Enhancement and Mitigation Program (EEMP) funding, and

WHEREAS, projects must be transportation facilities or must be related to recent or proposed transportation facilities, and

WHEREAS, the City proposes to acquire land which will preserve the view shed from both Claus Road and the railroad right-of-way, and will ensure that this land remains as public open space consistent with Modesto's new General Plan, and

WHEREAS, this project proposes to provide matching funds to purchase 47.9 acres of riparian habitat and flood plain from Claus Road to the Santa Fe Railroad, between Dry Creek and Gomes Road,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the City Manager or his authorized designee as the official representative of the City of Modesto to execute and submit any and all documentation in relation to a grant application to the Resources Agency of California for \$102,276 in funding under the

MODESTO CITY COUNCIL
RESOLUTION NO. 95-552


A RESOLUTION APPOINTING JEAN ADAMS AS CITY CLERK AND APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JEAN ADAMS REGARDING HER APPOINTMENT TO THE POSITION

BE IT RESOLVED by the Council of the City of Modesto that Jean Adams is hereby appointed as City Clerk of the City of Modesto and that the agreement between the City of Modesto and Jean Adams regarding her appointment to the position of City Clerk 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 14th day of November, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: McKinsey
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-553

A RESOLUTION APPROVING THE DEVELOPMENT OF BID SPECIFICATIONS AND AUTHORIZING A CALL FOR BIDS TO CLEAN OUT ACCUMULATED BIOSOLIDS AT THE SECONDARY WASTEWATER TREATMENT SITE, AND AUTHORIZING STAFF TO PROCEED WITH DEVELOPMENT OF BID SPECIFICATIONS FOR THE MARKETING COMPONENT OF THE PROGRAM; AND AUTHORIZING STAFF TO CONTINUE DISCUSSIONS WITH THE LOCAL REFUSE COLLECTION COMPANIES, WITH A RECOMMENDATION FOR CONTAINERIZED GREEN WASTE COLLECTION TO BE PRESENTED TO THE COUNCIL IN JANUARY, 1996.

WHEREAS, on October 10, 1995, the Council adopted a resolution authorizing staff to proceed with the development of a co-composting program and to prepare bid specifications and develop capital and operations budgets within the Sewer Fund, and

WHEREAS, at said meeting, Council discussed directing staff to proceed with developing bid specifications to clean out the recirculation channel and treatment ponds, to negotiate with the refuse collection companies, and to put together the bid specifications for the marketing component of the program, and

WHEREAS, Council requested additional information regarding the Long-term Dredging/Dewatering and Co-composting components, and discussed directing staff to proceed with some of the components and return with additional information on others, and

WHEREAS, at the November 7, 1995, meeting, the Council

considered the supplemental analysis and directed staff to send the Long-term Dredging, Dewatering, and Co-composting issues back to the Utilities Services and Franchises Committee for its action, and

WHEREAS, two of the three Utilities Services and Franchises Committee seats are currently vacant, and it is not anticipated they will be filled until at least January, 1996, and

WHEREAS, if formal authorization to solicit bids for the initial cleanout of the recirculation channel and ponds and the accompanying budget amendment are delayed until January-February, 1996, completion of the cleanout prior to the 1996 canning season would be compromised, and

WHEREAS, such a delay has serious implications for the City's ability to comply with its wastewater discharge permit requirements since treatment capability is presently significantly impaired by the biosolids buildup, and

WHEREAS, the City will avoid potential violations that could be caused by lack of treatment capability, by dredging the biosolids from the recirculation channel and ponds 1 and 3 to pond 2 for temporary storage, pending formal Council action concerning who should perform the dewatering and co-composting components of the program, and

WHEREAS, while partial removal of biosolids is possible, it is not economically viable since mobilization/set-up costs for dredges and other equipment are a major component of

the cost, and

WHEREAS, temporary storage and dewatering of biosolids in pond 2 is consistent with the most technically efficient and least costly management of biosolids, and is a necessary step in any alternative approved by the Council in the future, whether the compost operation is finally conducted by the public or private sectors, and

WHEREAS, the marketing component of the project assumes there will be some project development work in advance of full-scale operations, and it would be prudent to have bid specifications for this component ready for immediate release upon Council determination regarding the other three elements, and

WHEREAS, continuing discussions with local haulers on the green waste collection component of the project will allow staff to keep this portion of the project on track, and

WHEREAS, said continuing discussions should provide for the revision and execution of contracts, procurement of collection equipment and containers, route scheduling, customer notification and container delivery within a minimum of six months,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the following elements in connection with the City's co-composting program:

1. Development of bid specifications and authorization of a call for bids to clean out accumulated biosolids at the Secondary Wastewater Treatment Site.

2. Development of bid specifications for the Marketing Component of the program, to be released upon resolution of issues related to the Long-term Dredging/Dewatering and Co-composting components of the program.

3. Continuation of discussions with the local refuse collection companies, with a recommendation for containerized green waste collection to be presented to the Council in January, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clark

**MODESTO CITY COUNCIL
RESOLUTION 95-554**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT, BIOSOLIDS DREDGING SERVICES.

WHEREAS, at the October 10, 1995 Council meeting, the Council considered authorizing staff to proceed with the development of a co-composting program, and to prepare bid specifications and develop capital and operations budgets within the Sewer Fund. The council concurred with three of the recommended components of this program. Council discussed directing staff to proceed with developing bid specifications to clean out the recirculation channel and treatment ponds, to negotiate with the refuse collection companies, and to put together the bid specifications for the marketing component. However the Council requested additional information regarding the Long-Term Dredging/Dewatering and Co-composting components. Although the Council had discussed directing staff to proceed with some of the components, and return with additional information on others, no formal motion was made.

WHEREAS, at the November 21, 1995 Council meeting, staff proposed that the Council adopt a resolution authorizing the development of bid specifications, authorizing a call for bids, and authorizing a budget amendment for the initial clean out of biosolids at the Secondary Treatment site to ensure capacity for the 1996 canning season.

WHEREAS, this resolution provides the funding for that project from the Wastewater contingency reserve.

The following adjustments are necessary:

Wastewater Fund 621

Fund/Agy/Org		Increase (Decrease)
Expenditures		
621-480-F810-6040	Biosolids Dredging Services	\$1,400,000
621-800-8000-8003	Wastewater Fund Contingency Reserve	(\$1,400,000)

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 21st day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-555

A RESOLUTION EXTENDING THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTER PATHWAYS TO PLACE ADVERTISING ON BUS BENCHES AND IN THE INTERIOR OF MODESTO'S TRANSIT BUSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the one year extension of the lease agreement between the City of Modesto and Computer Pathways to place advertising on bus benches and in the interior of Modesto's transit buses 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 21th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-556

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF BUS BENCHES FROM COMPUTER PATHWAYS

WHEREAS, solicitations were issued in June and in September, 1995, for a new franchise to provide and maintain bus benches; and

WHEREAS, proposals received in response to the solicitations were rejected and due to the lack of competitive proposals, staff was authorized to negotiate an extension of the existing franchise with Computer Pathways and purchase the firm's bus bench inventory.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of bus benches from Computer Pathways is hereby waived.

BE IT FURTHER RESOLVED that purchase of 291 bus benches and bench-related inventory from Computer Pathways for \$24,159.38, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 95-557

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CIP PROJECT, BUS BENCHES AND RELATED EQUIPMENT.

WHEREAS, this project will provide funds for the purchase of 291 bus benches and related equipment.

WHEREAS, it was decided to purchase the benches because with the City owning the benches instead of the franchisee, more lucrative proposals would be received during the next solicitation for a bus bench franchise.

WHEREAS, eighty percent (\$19,328) of the cost of the benches is anticipated to be covered with Federal Transit Administration (FTA) fund and the remaining twenty percent (\$4,832) will be covered by public transit fund reserves.

The following adjustments are necessary:

Public Transit Fund 651

Fund/Agy/Org		Increase (Decrease)
Expenditures		
651-160-F812-6040	Bus Benches (291) and related Equipment	\$24,160
651-800-8000-8003	Public Transit Fund Contingency Reserve	(\$4,832)
Revenues		
651-510-9510-3604	FTA Capital Grant	\$19,328

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 21st day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey
Mayor Lang


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-558

A RESOLUTION CONFIRMING EXPENSES INCURRED FOR
DEMOLITION OF A BUILDING LOCATED AT 620
BENSON AVENUE IN THE CITY OF MODESTO.

WHEREAS, the Chief Building Official of the City of Modesto, as authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01, ordered the demolition of the substandard and hazardous structure at 620 Benson Avenue, Modesto, California, County of Stanislaus, State of California, and

WHEREAS, the owners of record of said property are Frederick E. Holtzer of San Francisco and Betty D. Sandvig of Fremont, and

WHEREAS, the Chief Building Official, as stated in the Notice and Order to secure and repair the substandard structure located at 620 Benson Avenue, dated March 29, 1995, and reissued on April 19, 1995, incurred expenses in the amount of \$4,850 by causing demolition and removal of said substandard structure by failure of the owners of record to comply with the Notice and Order, and

WHEREAS, Chapter 16 of the Uniform Housing Code requires that the City Council shall set a public hearing for the purpose of receiving protests or objections relating to payment

of the expenses incurred, and

WHEREAS, to recover expenses incurred by the City of Modesto a special assessment may be placed against the property as a lien, and

WHEREAS, an itemized report relating to the expenses incurred was submitted by the Housing And Neighborhoods Manager, a copy of which report is marked Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, a public hearing was held by the Council of the City of Modesto at 7:00 p.m., on November 21, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time the Council reviewed and considered said report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the itemized report relating to the expenses incurred by the City of Modesto in the amount of \$4,850 as submitted by the Housing And Neighborhoods Manager, a copy of which report is marked Exhibit "A", attached hereto and incorporated herein by reference, is accepted as being accurate and complete as stated, and said expenses incurred for said demolition are hereby confirmed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to forward a certified copy of this notice of assessment to the Finance Director who shall cause the amount of this special assessment to be added to the next regular

bill of taxes levied against said property for municipal purposes, which said amount shall be collected at the time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to record a certified copy of this resolution with the Stanislaus County Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**FINAL REPORT AND ITEMIZED ACCOUNT
OF THE HOUSING AND NEIGHBORHOODS MANAGER**

AN ITEMIZED ACCOUNT OF EXPENSES INCURRED BY THE CITY OF MODESTO PURSUANT TO THE ABATEMENT OF THE SINGLE FAMILY DWELLING DESTROYED BY FIRE, WHICH WAS LOCATED AT 620 BENSON STREET. THE PROPERTY IS OWNED BY FREDERICK E. HOLTZER OF SAN FRANCISCO AND BETTY D. SANDVIG OF FREMONT.

HISTORY

- 2-27-95 Letter from the City of Modesto directing the owners to secure the abandoned dwelling against unauthorized entry.
- 3-29-95 Notice and Order issued requiring the owners to secure the dwelling and complete repairs by April 14, 1995.
- 3-31-95 Notice and Order posted on the dwelling.
- 4-19-95 Notice and Order to secure and repair the dwelling reissued to the owners with new completion date of May 8, 1995.
- 5-31-95 The open and unsecured dwelling is destroyed by fire.
- 6-01-95 The neighbors to the south are displaced, as their home was extensively damaged by the fire.
- 6-01-95 Case taken by Office of Housing and Neighborhoods. Owners sent letter of inspection to be conducted on 6-22-95 at 3:00 p.m.
- 6-22-95 Inspection conducted at 620 Benson. Neither of the owners or their representatives were present at the time of the inspection.
- 6-23-95 Demolition contractors invited to submit bids to the City of Modesto for demolition services at 620 Benson.
- 6-27-95 Bid received for asbestos removal.
- 6-27-95 Pacific Gas and Electric notified to disconnect the gas service at the alley.
- 7-14-95 The lot cleared by the lowest bidder and demolition permit signed off.

The following is an itemized list of expenses incurred by the City of Modesto in regards to the property located at 620 Benson Street.

The Community Development Department has chosen to underwrite all staff time, including overhead.

[1]	Demolition of structure and debris removal as per contract	\$ 4,100.00
[2]	Removal/disposal of transite siding (asbestos) from burnt house, as per contract	\$ <u>750.00</u>
	TOTAL:	\$ 4,850.00

Staff recommends that the City Council make the following findings:

- [1] A special lien of assessment be made against the property as a lien to recover the costs incurred by the City of Modesto, and cause the same to be recorded on the assessment bill against the property.
- [2] That the costs incurred by the City of Modesto are accurate and complete as stated.

File

MODESTO CITY COUNCIL
RESOLUTION NO. 95-559

A RESOLUTION CONFIRMING THAT COSTS INCURRED
BY THE CITY OF MODESTO ARE ACCURATE AND
COMPLETE AS STATED IN A REPORT TO THE COUNCIL
FOR DEMOLITION OF A BUILDING LOCATED AT 620
BENSON AVENUE IN THE CITY OF MODESTO.

WHEREAS, the Chief Building Official of the City of Modesto, as authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01, ordered the demolition of the substandard and hazardous structure at 620 Benson Avenue, Modesto, California, County of Stanislaus, State of California, and

WHEREAS, the owners of record of said property are Frederick E. Holtzer of San Francisco and Betty D. Sandvig of Fremont, and

WHEREAS, the Chief Building Official, as stated in the Notice and Order to secure and repair the substandard structure located at 620 Benson Avenue, dated March 29, 1995, and reissued on April 19, 1995, incurred expenses in the amount of \$4,850 by causing demolition and removal of said substandard structure by failure of the owners of record to comply with the Notice and Order, and

WHEREAS, Chapter 16 of the Uniform Housing Code requires that the City Council shall set a public hearing for the purpose of receiving protests or objections relating to payment of the expenses incurred, and

WHEREAS, to recover expenses incurred by the City of Modesto a special assessment may be placed against the property as a lien, and

WHEREAS, an itemized report relating to the expenses incurred was submitted by the Housing And Neighborhoods Manager, a copy of which report is marked Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, a public hearing was held by the Council of the City of Modesto at 7:00 p.m., on November 21, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time the Council reviewed and considered said report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the itemized report relating to the expenses incurred by the City of Modesto in the amount of \$4,850 as submitted by the Housing And Neighborhoods Manager, a copy of which report is marked Exhibit "A", attached hereto and incorporated herein by reference, is accepted as being accurate and complete as stated, and said expenses incurred for said demolition are hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

**FINAL REPORT AND ITEMIZED ACCOUNT
OF THE HOUSING AND NEIGHBORHOODS MANAGER**

AN ITEMIZED ACCOUNT OF EXPENSES INCURRED BY THE CITY OF MODESTO PURSUANT TO THE ABATEMENT OF THE SINGLE FAMILY DWELLING DESTROYED BY FIRE, WHICH WAS LOCATED AT 620 BENSON STREET. THE PROPERTY IS OWNED BY FREDERICK E. HOLTZER OF SAN FRANCISCO AND BETTY D. SANDVIG OF FREMONT.

HISTORY

- 2-27-95 Letter from the City of Modesto directing the owners to secure the abandoned dwelling against unauthorized entry.
- 3-29-95 Notice and Order issued requiring the owners to secure the dwelling and complete repairs by April 14, 1995.
- 3-31-95 Notice and Order posted on the dwelling.
- 4-19-95 Notice and Order to secure and repair the dwelling reissued to the owners with new completion date of May 2, 1995.
- 5-31-95 The open and unsecured dwelling is destroyed by fire.
- 6-01-95 The neighbors to the south are displaced, as their home was extensively damaged by the fire.
- 6-01-95 Case taken by Office of Housing and Neighborhoods. Owners sent letter of inspection to be conducted on 6-22-95 at 3:00 p.m.
- 6-22-95 Inspection conducted at 620 Benson. Neither of the owners or their representatives were present at the time of the inspection.
- 6-23-95 Demolition contractors invited to submit bids to the City of Modesto for demolition services at 620 Benson.
- 6-27-95 Bid received for asbestos removal.
- 6-27-95 Pacific Gas and Electric notified to disconnect the gas service at the alley.
- 7-14-95 The lot cleared by the lowest bidder and demolition permit signed off.

The following is an itemized list of expenses incurred by the City of Modesto in regards to the property located at 620 Benson Street.

The Community Development Department has chosen to underwrite all staff time, including overhead.

[1]	Demolition of structure and debris removal as per contract	\$ 4,100.00
[2]	Removal/disposal of transite siding (asbestos) from burnt house, as per contract	\$ <u>750.00</u>
	TOTAL:	\$ 4,850.00

Staff recommends that the City Council make the following findings:

- [1] A special lien of assessment be made against the property as a lien to recover the costs incurred by the City of Modesto, and cause the same to be recorded on the assessment bill against the property.
- [2] That the costs incurred by the City of Modesto are accurate and complete as stated.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-560

A RESOLUTION APPROVING AN AMENDED LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND HEIN HETTINGA AND AMOS DE GROOT FOR LEASE OF APPROXIMATELY 2,565 ACRES OF THE SECONDARY WASTEWATER TREATMENT FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended lease agreement between the City of Modesto and Hein Hettinga and Amos De Groot for lease of approximately 2,565 acres of the secondary wastewater treatment facility be, and it is hereby approved.

BE IT FURTHER RESOLVED that the negotiation of said contract 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 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-561

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE REQUESTS BY CONTRACTORS FOR REDUCTIONS IN RETENTION MONIES RELATING TO CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS AND TO EXECUTE ESCROW AGREEMENTS FOR SECURITY DEPOSITS IN LIEU OF RETENTION WITH CONTRACTORS ON CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, when the City Council awards a construction contract on a capital improvement project, the specifications require the City to make monthly progress payments at no more than ninety percent (90%) of the amount due and payable until thirty-five (35) days after recording the notice of completion, this results in the City retaining ten percent (10%) of the contract amount until 35 days after the Council accepts the project as complete, and

WHEREAS, on occasion, it is appropriate to reduce the retention amount from ten percent (10%) to five percent (5%) when requested to do so by the contractor, and

WHEREAS, reducing the retention on a construction project is warranted at times, depending on project status and contractor performance, and

WHEREAS, City staff has suggested that the reduction on the retention of monies in relation to construction projects should be an administrative decision of the City Manager in order to streamline the retention reduction process,

WHEREAS, a reduction of retention monies to five (5%) percent is permissible under Section 9203 of the Public Contract

Code, when it is deemed that satisfactory progress is being made on the work, and

WHEREAS, the specifications state that the contractor can make a request for the City to make payments of retention earned directly to an escrow agent in accordance with Section 22300 of the State Public Contracts Code, and

WHEREAS, in choosing this option, the contractor would be earning interest on the money that the City normally retains until the job is completed, and

WHEREAS, the City does not normally receive this type of request and when such a request is made it is usually on a long duration project, and

WHEREAS, the City Council has authorized the City Manager to sign escrow agreements on two projects in the recent past: Water Tank No. 4 and Thousand Oaks Lift Station, and

WHEREAS, City staff has suggested that signing an escrow agreement with the contractor should be an administrative decision of the City Manager in order to streamline the escrow agreement approval process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the City Manager to approve requests by contractors for reductions in the retention amount on capital improvement construction projects. Said reduction in the retention of monies shall consist of a five (5%) percent reduction which is permissible under Section 9203 of

the Public Contract Code.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute escrow agreements with contractors 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 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-562

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION AND ALL GRANT RELATED DOCUMENTS TO OBTAIN A \$56,358 USED MOTOR OIL RECYCLING BLOCK GRANT.

WHEREAS, the California Oil Recycling Enhancement Act mandates that the California Integrated Waste Management Board (CIWMB) annually provide block grants to local governments for establishing local used oil collection programs that encourage recycling or appropriate disposal of used oil, and

WHEREAS, in order to receive a grant, local governments need to describe how they meet the program's eligibility requirements and how they intend to spend the funds, and

WHEREAS, the eligibility requirements for block grant funding are as follows:

1. The applicant's local used oil collection program must include a public education component that informs the public of locally available used oil recycling opportunities; and
2. The applicant's local used oil collection program must either;
 - (a) ensure that at least one certified used oil collection center is available for every 100,000 residents not currently served by curbside used oil collection; or
 - (b) provide curbside collection of used oil at least once a month.

and

WHEREAS, Modesto currently meets both of the eligibility requirements noted above based on the fact that it

has in place a comprehensive public education program funded by last year's Used Oil Recycling Block Grant, has a curbside used oil collection program in place, and has 13 certified used oil collection centers located within city limits, and

WHEREAS, specifically, with 1993-94/1994-95 and 1995-96 grant funds, the City has accomplished the following:

1. Developed and mailed three brochures to all local residences that focus on recycling motor oil and preventing illegal disposal as well as providing residents with other information on recycling opportunities and other ways to reduce waste;

2. Currently has under development a new multi-media ad campaign funded by the 1995-96 grant;

3. City staff has worked closely with local school districts to develop and purchase over \$45,000 in curriculum materials for use in local schools;

4. An additional \$31,000 from the 1995-96 Block Grant is currently being used to expand the schools program;

5. Grant funds have been used to encourage local businesses to increase their use of re-refined oil, and to increase the number of certified collection centers and registered industrial generators;

6. Nine new certified centers have been recruited since the City began receiving Block Grant Funds.

and

WHEREAS, proposed programs for the 1996-97 grant application cycle would focus on continuing to increase the public's awareness of acceptable oil recycling alternatives by continuing multi-media efforts, and

WHEREAS, a portion of the grant would be used to continue curriculum activities on the safe/responsible handling of oil and other household hazardous products for children in local schools, and

WHEREAS, a portion of the grant funds may also be used to supplement collection efforts to be carried out under the City's Used Motor Oil Opportunity Grant, and

WHEREAS, according to CIWMB staff, the City of Modesto is eligible for a grant award of \$56,358 based upon the city's population, and

WHEREAS, it is necessary for the City of Modesto to file its grant application with the California Integrated Waste Management Board no later than November 30, 1995, for grant funds covering program activities from July 1, 1996 through June 30, 1997,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute and file a grant application with the California Integrated Waste Management Board for a \$56,358 Used Motor Oil Recycling Block Grant.

BE IT FURTHER RESOLVED that the City Manager or his

designee is hereby authorized to execute and submit all other documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-563

A RESOLUTION APPROVING A CONSOLIDATED PLAN - ANNUAL ACTION PLAN APPLICATION PROCESS AND CALENDAR OF EVENTS FOR FISCAL YEAR 1996-97

WHEREAS, it has been deemed necessary to develop A Consolidated Plan - Annual Action Plan Application Process and Calendar of Events for Fiscal Year 1996-97; and

WHEREAS, staff and the Citizens Housing and Community Development Committee have met and agreed on the Calendar of Events for Fiscal Year 1996-97.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Consolidated Plan entitled, "Consolidated Plan - Community Development Annual Action Plan for Fiscal Year 1996-97", a copy of 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 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

**CONSOLIDATED PLAN
Community Development
ANNUAL ACTION PLAN
FOR FY1996-97**

Citizen Participation Calendar of Events

ACTIVITY	DATE	TIME
1. CH&CDC Meeting to Recommend Approval of the Proposed Calendar of Events for the Preparation of the Action Plan for FY96-97; City Hall Council Chambers; 801 Eleventh Street, Modesto.	November 9, 1995	12:00 noon
2. CH&CDC Public Hearing: Meeting to Discuss & Set Priorities of Community Development Needs; Approve Application Form for Funding for Eligible Projects to be Included in the Community Development Annual Action Plan FY1996-97; City Hall Council Chambers; 801 Eleventh Street, Modesto.	December 8, 1995	12:00 noon
3. Application Period Opens. Applications available at the Office of Housing and Neighborhoods; 940 Eleventh Street, Modesto.	December 22, 1995	12:00 noon
4. Staff Workshop to Provide Technical Assistance; City Hall Council Chambers; 801 Eleventh Street, Modesto.	January 16, 1996	10:00 a.m.
5. Application Deadline for Funding Requests; All Funding Requests Submitted to the Office of Housing and Neighborhoods; 940 Eleventh Street, Modesto.	February 16, 1996	5:00 p.m.
6. Analysis of Application Funding Requests by the Staff of the Office of Housing and Neighborhoods; 940 Eleventh Street, Modesto.	February 19, 1996 - April 10, 1996	
7. Preparation of Community Development Annual Action Plan for FY1996-97; Office of Housing and Neighborhoods; 940 Eleventh Street, Modesto	February 19, 1996 - April 10, 1996	
8. CH&CDC Public Hearing to Consider Requests for Funding; City Hall Council Chambers; 801 Eleventh Street, Modesto.	March 15, 1996	12:00 noon
9. CH&CDC Public Hearing to Make Final Recommendations for Funding Allocations; City Hall Council Chambers, 801 Eleventh Street, Modesto.	April 19, 1996	12:00 noon
10. Publish Notice Announcing Availability of Final Draft of Community Development Annual Action Plan - FY 1996-97 for review and comments.	May 4-5, 1996	
11. City Council Public Hearing to Consider and Approve Recommendation for the Community Development Annual Action Plan for FY1996-97; 801 Eleventh Street, Modesto.	May 7, 1996	7:00 p.m.
12. Deadline for Community Development Annual Action Plan for FY1996-97 to HUD.	May 15, 1996	5:00 p.m.

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-564

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1995-96 TO AMEND THE CITY'S SPHERE OF INFLUENCE AND COSTS ASSOCIATED WITH THE APPLICATION TO LAFCO.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to pay the costs associated with the City's Sphere of Influence Application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1995-96 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	APPROPRIATIONS		REVISED BUDGET
		CURRENT BUDGET	ADJUSTMENT	

Village I

Appropriations:

080-140-1433-0235	Professional Services, Other	0	2,500	2,500
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General Plan

Appropriations:

080-140-1432-1402	Sphere of Influence	0	5,000	5,000
080-800-8000-8003	Contingency Reserve	191,619	(7,500)	184,119

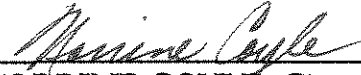
BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

sub:

MODESTO CITY COUNCIL
RESOLUTION NO. 95-565

A RESOLUTION ACCEPTING THE BID OF HOWELL CONSTRUCTION FOR THE PROJECT
"HANDICAP RESTROOM REMODEL - WESTSIDE PARK

WHEREAS, the bids received for the project titled "Handicap Restroom Remodel - Westside Park" were opened at 2:00 p.m. on November 14, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Howell Construction for a total cost not to exceed \$47,972.50 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howell 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-566

A RESOLUTION ACCEPTING BRIGGSMORE AVENUE WATERLINE FROM WELL NO. 21 TO COFFEE ROAD PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works and Transportation that the "Briggsmore Avenue Waterline from Well No. 21 to Coffee Road" project, has been completed by Indemnity Company of California, in accordance with the contract agreement with MBM Construction dated January 25, 1994, which contracted was suspended on November 16, 1994, and responsibility for completion of the project assumed by the bonding company, Indemnity Company of California, under a takeover agreement approved by the City Council on May 23, 1995, by Resolution No. 95-254.

NOW, THEREFORE, BE IT RESOLVED that the "Briggsmore Avenue Waterline from Well No. 21 to Coffee Road" project, be accepted from said contractor, Indemnity Company of California; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$156,826.39 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-567

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND VAIL ENGINEERING TO REVISE THE VILLAGE ONE FINANCE PLAN AND ASSIST IN THE FORMATION OF THE FINANCING DISTRICTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Vail Engineering to revised the Village One finance Plan and assist in the formation of the financing districts be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-568

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1995-96 TO REVISE THE VILLAGE I
FINANCE PLAN.

WHEREAS, it has been determined that certain adjustments
are required to the Annual Budget of the City of Modesto to revise the
Village I Finance Plan and assist in the formation of the Financing
Districts that will implement the plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the 1995-96 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	APPROPRIATIONS		
		CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET

Village I

Appropriations:

080-140-1433-1403	Village I Financing Plan	0	59,300	59,300
080-800-8000-8003	Contingency Reserve	184,119	(46,800)	137,319

Revenues:

080-700-7000-9625	Transfer In	0	12,500	12,500
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Total 0

Storm Drain Fund

Appropriations:

628-700-7000-7080	Transfer Out	0	12,500	12,500
628-480-E588-6070	Village I Storm Drain Basin	420,000	(12,500)	407,500

Total 0

BE IT FURTHER RESOLVED that the Director of Finance is hereby
authorized 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, McClanahan, McKinsey
Mayor pro tem Cogdill

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-569

A RESOLUTION RECOMMENDING THAT THE COUNTY OF STANISLAUS APPROVE REZONE APPLICATION NO. 95-08 FILED BY LYNN AND CAROLE STINSON, OWNERS OF MODESTO TOYOTA, TO REZONE FROM A-2-10 TO P-I, PLANNED INDUSTRIAL ZONE, TO ALLOW A FENCED AND PAVED AUTO STORAGE AREA AS A 5.2 ACRE WESTERLY EXPANSION OF THE AUTO AGENCY LOCATED AT 4513 MC HENRY AVENUE.

WHEREAS, Lynn and Carole Stinson, owners of Modesto Toyota, have filed a Request for Zone Change, Application No. 95-08, with the County of Stanislaus to rezone from A-2-10 to P-I, Planned Industrial Zone, to allow a fenced and paved auto storage area as a 5.2 acre westerly expansion of the auto agency located at 4513 McHenry Avenue, and

WHEREAS, on March 13, 1990, the City of Modesto and the County of Stanislaus entered into an agreement wherein the County agreed to limit development within the City's Sphere of Influence, and

WHEREAS, City Council Policy No. 4.028, a copy of which is on file in the office of the City Clerk, guides consideration of development proposals within the City of Modesto's Sphere of Influence, and

WHEREAS, of the four distinct County areas within the Sphere of Influence, the above subject property is located in Area 4, within the City's Urban Reserve, which is designated on the County General Plan Map as Urban Transition, and

WHEREAS, pursuant to said City-County Agreement, the City

Council is to review requests for rezonings for new uses, other than for churches and agricultural uses that are permitted by said City-County Agreement, and

WHEREAS, the proposed rezoning is also within an area designated by Modesto's General Plan as the Kiernan/McHenry C.P.D., the eastern portion of which is designated for Regional Commercial uses, and

WHEREAS, City staff presented a report, dated November 13, 1995, to the City Council regarding said Application No. 95-08, and a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, said matter was considered by the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on November 28, 1995, at 4:00 p.m.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby recommends to the County of Stanislaus the approval of the Request For Zone Change, Application No. 95-08 filed by Lynn and Carole Stinson, owners of Modesto Toyota, to rezone from A-2-10 to P-1, Planned Industrial Zone, to allow a fenced and paved auto storage area as a 5.2 acre westerly expansion of the auto agency located at 4513 McHenry Avenue, as the proposal to rezone the property is contiguous to commercially developed property, Modesto Toyota, which is within an area along the west side of McHenry Avenue, and is consistent with the General

Plan.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby directed to transmit a certified copy of this resolution to the Stanislaus County Department of Planning and Community Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Friedman, McClanahan, McKinsey, Mayor Pro Tempore Cogdill
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-570

A RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE LOAN DOCUMENTS FOR UNCLE CHARLIE'S GROUP HOME TO CONSOLIDATE AND RE-AMORTIZE PREVIOUS LOANS FOR THE PURCHASE AND REHABILITATION OF THE HOUSE LOCATED AT 523 MARTIN LUTHER KING DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute loan documents for Uncle Charlie's Group Home to consolidate and re-amortize previous loans for the purchase and rehabilitation of the house located at 523 Martin Luther King Drive.


BE IT FURTHER RESOLVED that the execution of said agreements 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Mayor Lang

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-571

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND STANISLAUS LITERACY CENTER TO PROVIDE TUTORING IN EDUCATIONAL OPPORTUNITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Stanislaus Literacy Center to provide tutoring in educational opportunities be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-572

A RESOLUTION APPROVING THE REQUEST OF INTERNATIONAL TRUCK RENTAL AND LEASING FOR UNNECESSARY PAYMENT OF BUSINESS IMPROVEMENT TAXES

BE IT RESOLVED by the Council of the City of Modesto that the request of International Truck Rental and Leasing for unnecessary payment of business improvement taxes is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-573

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY TO TAKE OVER OPERATIONS AND MAINTENANCE OF THE CODONI ROAD LIFT STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company to take over operations and maintenance of the Codoni Road Lift Station 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 28th day of November, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-574

A RESOLUTION APPOINTING BETTY SILVA, FRED HAWKINS, AND CAROLE RICHARD TO FILL THREE VACANCIES ON THE COMMUNITY QUALITIES FORUM, AND REAPPOINTING GERALD CLENDENIN, PATRICIA CASEY-GILLUM, MITCH GAGOS, MARIA HATCH, BENNO HEUNE, AND JOE SIMILE TO NEW FOUR YEAR TERMS TO EXPIRE ON DECEMBER 31, 1999

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

SECTION 1. Betty Silva, Fred Hawkins, and Carole Richard are hereby appointed to the Community Qualities Forum.

SECTION 2. Gerald Clendenin, Patricia Casey-Gillum, Mitch Gagos, Maria Hatch, Benno Heune, and Joe Simile are hereby reappointed to new four-year terms on the Community Qualities Forum to expire on December 31, 1999.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Community Qualities Forum and the Secretary thereof.

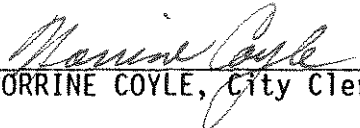
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 1995 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Mayor Lang

ATTEST:


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-575

A RESOLUTION ACCEPTING THE BID OF SEFAC LIFT AND EQUIPMENT FOR THE PURCHASE OF ONE MOBILE BUS HOIST

WHEREAS, the bids received for the purchase of one mobile bus hoist were opened at 11 a.m. on June 13, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of SEFAC Lift and Equipment for a total cost not to exceed \$21,473.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of SEFAC Lift and Equipment be accepted and the execution of a contract for the purchase of one mobile bus hoist 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 5th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

5
10/16

MODESTO CITY COUNCIL
RESOLUTION NO. 95-576

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 140,000 POUNDS OF RECYCLED GRANULAR ACTIVATED CARBON THROUGH THE CITY OF FRESNO CONTRACT FROM NORTHWESTERN CARBON

WHEREAS, Northwestern Carbon is the only vendor in the western United States to have installed and operating a high temperature incinerator meeting the State standards for recycling Granular Activated Carbon (GAC); and

WHEREAS, purchasing recycled GAC will result in a \$44,259 savings to the City over purchasing virgin GAC;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of recycled Granular Activated Carbon from Northwestern Carbon is hereby waived.

BE IT FURTHER RESOLVED that purchase of recycled Granular Activated Carbon from Northwestern Carbon at the rate of \$.6394 per pound is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-577

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS, INC., FOR THE LEASE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR THE PLACEMENT OF WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Atmospherics, Inc., for the lease of a small parcel of land at the Airport for the placement of weather equipment be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 5th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-578

A RESOLUTION APPOINTING ROD DE CRISTOFARO TO THE CITY OF MODESTO
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 RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Rod De Cristofaro is hereby appointed to the Modesto Planning Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Modesto 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 5th day of December, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

JK

MODESTO CITY COUNCIL
RESOLUTION NO. 95-579

A RESOLUTION APPROVING AND ADOPTING THE 1995
COUNTYWIDE SITING ELEMENT FOR STANISLAUS COUNTY.

WHEREAS; the County of Stanislaus is required to prepare a Countywide Siting Element at the direction of the California Integrated Waste Management Board following the passage of AB 939, the Integrated Waste Management Act of 1989, and

WHEREAS, this document has been completed by the Stanislaus County Department of Environmental Resources and the County's Solid Waste Local Task Force in cooperation with a countywide Steering Committee, and

WHEREAS, an Initial Study was completed according to the California Environmental Quality Act, and Environmental Resources staff has recommended that a Negative Declaration be issued and notification of intent to file a de minimis finding with the Notice of Determination has been transmitted to the Department of Fish and Game, and

WHEREAS, all nine of the incorporated cities in Stanislaus County, in addition to the unincorporated area, will have separately considered this Countywide Siting Element for local adoption, and

WHEREAS, the State of California requires that this Countywide Siting Element be adopted by a majority of the cities

in the county which contain a majority of the population, in addition to the Board of Supervisors for the unincorporated area,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby approve and adopt the referenced Countywide Siting Element.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-580

A RESOLUTION APPROVING AND ADOPTING THE
1995 COUNTYWIDE INTEGRATED WASTE MANAGEMENT
(SUMMARY) PLAN FOR STANISLAUS COUNTY.

WHEREAS, the County of Stanislaus is required to prepare a Countywide Integrated Waste Management (Summary) Plan at the direction of the California Integrated Waste Management Board following the passage of AB 939, the Integrated Waste Management Act of 1989, and represents an overview of the individual Source Reduction and Recycling Elements, Household Hazardous Waste Elements and Nondisposal Facility Elements which have previously been locally adopted countywide and approved by the state, and

WHEREAS, this document has been completed by the Stanislaus County Department of Environmental Resources and the County's Solid Waste Local Task Force, and

WHEREAS, an Initial Study was completed according to the California Environmental Quality Act, and Environmental Resources staff has recommended that a Negative Declaration be issued and notification of intent to file a de minimis finding with the Notice of Determination has been transmitted to the Department of Fish and Game, and

WHEREAS, all nine of the incorporated cities in Stanislaus County, in addition to the unincorporated area, will

have separately considered this Countywide Integrated Waste Management (Summary) Plan for local adoption, and

WHEREAS, the State of California requires that this Countywide Integrated Waste Management (Summary) Plan be adopted by a majority of the cities in the county which contain a majority of the population, in addition to the Board of Supervisors for the unincorporated area,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby approve and adopt the referenced Countywide Integrated Waste Management (Summary) Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-580-A

A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PELANDALE/SNYDER SPECIFIC PLAN, ADOPTING FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the following constitutes various California Environmental Quality Act (CEQA) findings of the City Council of the City of Modesto (the "City Council") with respect to the approval of the Pelandale/Snyder Specific Plan (the "Project"), and

WHEREAS, the Project has been the subject of an Environmental Impact Report prepared by the Planning Center on behalf of the City of Modesto, and

WHEREAS, the Draft Environmental Impact Report was released on August 29, 1995, and public comments were received and responded to as required by 14 California Code of Regulations Section 15088, and

WHEREAS, the Final Environmental Impact Report (the "FEIR") was released on November 3, 1995, and

WHEREAS, on December 4, 1995, the City of Modesto Planning Commission held a duly noticed public hearing to consider the Project, including its recommendation as to the certification of the FEIR, and

WHEREAS, the Planning Commission recommended approval of the Project and certification of the FEIR, as well as

recommending findings of overriding considerations as to two impacts identified in the FEIR, and

WHEREAS, on December 12, 1995, the Modesto City Council held a duly noticed public hearing in which it adopted a resolution certifying the FEIR, approved the Pelandale/Snyder Specific Plan (with the alignment of Pelandale as set forth in Alternative B of the FEIR), and adopted findings consistent with these approvals,

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

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings, and

2. Compliance with CEQA. The Final Environmental Impact Report for the Pelandale/Snyder Specific Plan, a copy of which is on file in the office of the City Clerk, was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

3. FEIR Reviewed and Considered. The City Council certifies that the FEIR has been completed in compliance with CEQA; that it has been presented to the Council and that the Council has reviewed and considered the information contained in the FEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the Council. The FEIR is a material part of this resolution.

4. The findings which follow are intended to comply with the requirements 21081 and 14 California Code of Regulations Section 15091:

I. PELANDALE/SNYDER SPECIFIC PLAN ENVIRONMENTAL IMPACTS IDENTIFIED AS SIGNIFICANT IN THE FEIR WHICH ARE AVOIDED OR SUBSTANTIALLY LESSENED OR WHICH ARE DETERMINED NOT TO RESULT IN A SIGNIFICANT ENVIRONMENTAL IMPACT

4.1 Land Use, Consistency With Plans and Policies, and Agriculture.

Impact 4.1-1 The City Council finds, based upon the analysis and evidence in the FEIR, as well as the staff report submitted in connection with the Project, that the Project will not result in land uses which are incompatible with existing and planned adjacent land uses. As a result, no mitigation is required.

Impact 4.1-2 The City Council finds, based upon the analysis and evidence in the FEIR, as well as the staff report submitted in connection with the Project, that the Project is consistent with the policies of the current adopted Modesto General Plan. As a result, no mitigation is required.

Impact 4.1-3 The Project will result in conversion of approximately 400 acres of prime farm land to non-agricultural uses. This is a significant and unavoidable impact of the Project, which cannot be mitigated to a level of insignificance. As such, a statement of overriding considerations has been adopted with respect to this impact.

Impact 4.1-4 The City Council finds, based on the analysis and evidence in the FEIR (page 41), that the Project will not result in the conversion of other prime farm land not on the Project site to non-agricultural uses. Adjacent land to the north of the Project is currently being planning for development

as part of the proposed Kiernan Avenue Business Park, which will go forward whether or not the Pelandale/Snyder Project occurs.

4.2 Population, Employment and Housing.

Impact 4.2-1 The City Council finds that since the need for additional housing as a result of the amount of employment generated by the Project can be met or exceeded by the number of housing units to be constructed in connection with the Project, the impact of the Project upon population and housing needs will not be significant.

Impact 4.2-2 The City Council finds that the Project will provide affordable housing and will be consistent with the housing element of the Modesto General Plan. As such, there will be no significant impact upon housing as a result of the Project, and no mitigation is required.

4.3 Traffic and Circulation.

Impact 4.3-1 The Project will result in a deterioration of the intersection of Standiford Avenue at Tully Road from level of service (LOS) E under existing conditions to LOS F and PM peak hour with the Project.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR to a non-significant level. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measures:

- Provide additional left turn lands on the eastbound, westbound, and southbound approaches to improve the intersection's operation to the LOS D condition.

Impact 4.3-2 The Project will result in a deterioration of one roadway segment - Tully Road (between Kiernan Avenue and Standiford Avenue) deteriorates from LOS E to LOS F conditions with the Project.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR to a non-significant level. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Upgrade Tully Road between Kiernan Avenue and Standiford Avenue to a four-lane urban arterial to improve its operation to LOS A. With the adopted General Plan, Tully Road will become a six-lane arterial.

Impact 4.3-3 Six of the study intersections will deteriorate to below the City's LOS D standard under year 2025 plus project conditions. The intersections and the project's percentage contribution to cumulative traffic volumes are identified below.

1. Pelandale Avenue @ Dale Road deteriorates from LOS D to LOS E. (Project contribution - 11%).

2. Pelandale Avenue @ Prescott Avenue deteriorates from LOS E to LOS F. (Project contribution - 9%).

3. Pelandale Avenue @ Carver Road deteriorates from LOS E to LOS F. (Project contribution - 14%).

4. Pelandale Avenue @ Tully Road deteriorates from LOS F to a worse LOS F. (Project contribution - 12%).

Increased intersection capacity with expected improvements associated with the adopted General Plan to Tully Road will likely improve intersection operations.

5. Pelandale Avenue @ McHenry deteriorates to a worse LOS F condition. (Project contribution - 6%).

6. Standiford Avenue @ Dale Road deteriorates from LOS D to LOS E. (Project contribution - 7%).

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Provide additional through lanes on Pelandale Avenue, making it a 6-lane expressway, between Dale Road and McHenry Avenue to improve intersection operations at Dale Road, Prescott Avenue and Carver Road to LOS D or better conditions. Pelandale Avenue @ McHenry Avenue will continue to operate at LOS F and Pelandale Avenue @ Tully Road will continue to operate at LOS E. The adopted General Plan shows Tully Road as a 6-lane arterial and McHenry as an eight-lane arterial near Pelandale Avenue. With these assumed cross-sections, impacts on intersections will be less than significant at Tully Road but the McHenry intersection will still operate at LOS E.
- Widen the intersection of Standiford Avenue @ Dale Road to provide four westbound through lanes, and widen the west side of the intersection to accommodate the additional lane, to improve this intersection's operation to LOS D. Rights of way for potential

widening should be reserved in anticipation of this eventual improvement.

Impact 4.3-4 Seven roadway segments would be impacted by the project and would operate below the City's LOS D standard under year 2025 with project conditions - McHenry Avenue between Kiernan Avenue and Pelandale Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volume along this segment is 2%. McHenry Avenue between Pelandale Avenue and Standiford Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volume along this segment is 2%. State Route 99 north of Kiernan Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volumes along this segment is 1%. State Route 99 between Kiernan Avenue and Pelandale Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volumes along this segment is 1%. State Route 99 south of Standiford would deteriorate from LOS E to LOS F. Project's percentage contribution to cumulative traffic volumes along this segment is 0.4%. Tully Road between Kiernan Avenue and Pelandale Avenue would deteriorate from LOS D to LOS F. Project contributes zero percent to cumulative traffic volume along this segment. The updated General Plan identifies Tully Road as a six-lane arterial, likely resulting in improvement to this segment's operation without uniting traffic signals.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Additional through lanes on McHenry Avenue improving it to an eight-lane arterial between Kiernan Avenue and Standiford Avenue would improve segment operations to LOS D conditions. It should be noted that McHenry is designated as an eight-lane arterial under the updated General Plan.
- Additional through lanes on State Route 99 throughout the study area would improve operations to LOS D or better on all segments.
- If Tully Road were to have a four-lane cross-section as assumed in this analysis, limiting traffic signals on Tully Road to one signal between Kiernan Avenue and Pelandale Avenue would improve this segment's operation to LOS D conditions. However, the roadway segment of Claribel Avenue between McHenry Avenue and Coffee Road would also operate below the City's LOS D standard. This would not be a significant impact of the project since traffic resulting from the project at this location would be negligible.

Impact 4.3-5 Demand for transit services will increase.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Design all collectors to accommodate transit vehicles.
- Provide bus turnouts as specified in the Specific Plan.

Impact 4.3-6 The City Council finds, based upon the evidence in the FEIR, that the Project will not disrupt current or planned rail service in the Project area. As a result, there are no foreseeable identified impacts upon current or planned rail service, and no mitigation is required.

Impact 4.3-7 The 1983 City of Modesto Bicycle Plan identifies existing bikeways through parts of the Project area. The City of Modesto is currently updating its Bicycle Plan and is proposing to expand the current bicycle network in the area. Bicycle and pedestrian circulation in the area should reflect future residential developments.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Construct pedestrian/bicycle facilities internal to the project. The Pelandale/Snyder Specific Plan identifies bicycle facilities as follows:

Class I Bike Path:

- Pelandale Avenue
- MID Lateral #6

Class II Bike Lanes:

- Dale Road
- Prescott Road
- Tully Road

- Construct pedestrian/bicycle amenities at major activity centers. Specific locations and quantities should be identified with respect to future developments.

4.4 Noise.

Impact 4.4-1 Exposure to construction noise.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The following policy shall be added to the Specific Plan:

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the Specific Plan Area.

Impact 4.4-2 The City Council finds, based upon the noise analysis contained in the FEIR, that noise impacts on surrounding land uses will be well within the normally acceptable standard identified by the State of California for residential land uses. As a result, the identified impact is less than significant, and no mitigation is required.

Impact 4.4-3 The City Council finds that the exposure of project land uses to traffic noise is a less than significant impact, based upon the analysis on pages 107 - 111 of the FEIR. The Pelandale/Snyder Specific Plan, which is consistent with the requirements of the Modesto Building Code, insures that traffic noise will be reduced or mitigated to levels which are less than significant.

4.5 Air Quality.

Impact 4.5-1 The City Council finds that short term construction impacts on air quality will not be significant in view of the project's required compliance with local rules and ordinances, including the requirements of the San Joaquin Valley Unified Air Pollution Control District. The additional dust control and mobile source emission measures shall be adopted and incorporated into the Project.

Impact 4.5-2 Long-term regional emissions.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The following measures are focused in reducing both stationary and mobile emissions generated by the project:

Incorporate the following policies into the Specific Plan:

- Introduce efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units.
- The use of energy efficient street lighting and on-site lighting in parking and walking areas shall be considered by the developer to reduce emissions at the power plant serving the site.
- Contact transit agencies early in planning stages to assure proper location and design of bus shelters.

Impact 4.5-3 Residential wood burning emissions.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- To minimize emissions associated with residential wood burning, the following measures shall be applied to all residential dwellings within the project area:
 - All residential dwellings shall utilize the EPS's Phase II certified wood burning stoves and fireplaces, resulting in a 70 to 90 percent reduction of PM₁₀ emissions as compared to a conventional stove.

Impact 4.5-4 Microscale Projections.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the

FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The traffic analysis for the project includes several measures intended to increase the level of service (LOS) of roadways within the project vicinity. Carbon monoxide hot spots are related to idling periods and speed. An increased LOS results in less idling time and faster speeds, in turn, decreasing of carbon monoxide concentration. The following measures can further assist in this effort and should be implemented when feasible.
- Implement signal synchronization, one-way streets, computerized traffic controls, removal of unnecessary signals, and other engineering techniques to decrease idling time and maximize the speed of traffic on congested surface streets. A combination of these measures will be required for effective mitigation.

4.6 Biology.

Impact 4.6-1 The City Council finds that implementation of the Project will not result in impacts to Swainson's hawks. The FEIR contains a biological analysis of the Project site, which determined that there were no nests on site, and only a slight potential for nesting and foraging on site. As such, no mitigation is required.

4.7 Archaeology.

Impact 4.7-1 The Project may potentially result in the destruction of unknown subsurface archaeological resources.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen

the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The following policy shall be added to the Specific Plan:

If cultural resources are discovered during project-related activities, all work is to cease in the vicinity of the find and the City of Modesto Planning Department and a qualified archaeological or specialist of the appropriate discipline are to be contacted regarding evaluation of the discovery. If Native American remains are found, the County Coroner and Native American Heritage Commission (Sacramento (916) 653-4082) are to be notified immediately for recommended procedures.

4.8 Public Services.

Impact 4.8-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in sewage generation exceeding the capacity of the sewage treatment plant. As such, no mitigation is required.

Impact 4.8-2 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in water demand exceeding the capacity of the water service system. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-3 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the need for additional fire station facilities. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-4 The project will result in the need for additional police staff and equipment.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Additional police services as required will be funded from the City operating budget.

Impact 4.8-5 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the need for additional parks. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-6 The project will result in the need for additional schools.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the

FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.
- The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

Impact 4.8-7 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not affect the provision of solid waste collection and disposal services. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-8 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in an increase in the demand for social services. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

4.9 Hydrology and Drainage.

Impact 4.9-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the exceedance of the capacity of

storm drainage facilities. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-2 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not expose people or property to flood hazard. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-3 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the degradation of groundwater. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-4 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the degradation of surface water. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-5 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in reduction in groundwater recharge. This is considered a benefit of the Project, and no mitigation is required.

4.10 Growth Inducing Impacts.

Impact 4.10-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not induce additional growth. As such, there

will be no significant impact as defined in CEQA, and no mitigation is required.

4.11 Geology/Soils.

Impact 4.11-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in exposure of people or property on the project site to geologic hazards. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

II. INFEASIBILITY OF PROJECT ALTERNATIVES

The Final EIR identifies and evaluates two alternatives to the proposed Project. The two alternatives analyzed are the No Project alternative and Alternative B. These alternatives are described in Chapter 3, and are evaluated in Chapter 5 of the FEIR. The City Council rejects the No Project Alternative and, Alternative B with respect to the land uses.

1. No Project Alternative.

Finding: Specific economic, social, or other considerations identified below make infeasible the adoption of this project alternative.

Statement of Facts:

- The No Project alternative would not meet any of the Project applicant's objectives.
- The No Project alternative would result in the loss to the City of Modesto of the benefits of the Project, including but not limited to the following:
 - Implementation of the Project allows for the completion of 3 of the City's 73 neighborhood planning areas. These neighborhood planning areas are known as the McKinney Colony, Aqueduct, and

Northwest McHenry neighborhood planning areas. The Pelandale/Snyder Specific Plan implements provisions of the Modesto General Plan by providing for the orderly development of these "remnant neighborhoods" consistent with the General Plan's Neighborhood Zoning and Development Plan Prototype policy.

- The Modesto General Plan is also implemented as a result of the Project in that residential land uses within the plan have been distributed in a manner consistent with the General Plan's Neighborhood Zoning and Development Plan Prototype policy.
- The Project is also beneficial to the City of Modesto in that it is consistent with the goals and objectives of the housing element of the General Plan. The plan includes an affordable housing program which addresses important housing element goals as set forth on page 1-6 of the Specific Plan.
- The plan provides for the logical extension of the City's hierarchy of arterial and collector streets, including the Pelandale Expressway, into the Project area. A Class 1 bikeway will be provided along the MID Canal as specified in the Modesto Bicycle Plan.
- The plan provides for the installation of public facilities and utilities to meet General Plan service requirements.
- Implementation of the Project will allow for the installation of the planned Pelandale Expressway, which will provide a vital link between Highway 108 and State Route 99.

2. Alternative B.

Finding: Specific economic, social, or other considerations identified below make infeasible the adoption of the land uses in this project alternative.

Statement of Facts:

- While implementation of Alternative B would result in different land uses for portions of the Project site, Alternative B land uses are not environmentally superior, and are in fact environmentally inferior, to

the preferred alternative. As set forth in the FEIR, Alternative B would provide substantially more single-family residential dwellings, but substantially less multi-family residential dwellings than the preferred alternative. As a result, the amount of affordable housing provided by the project would be substantially reduced if Alternative B were implemented.

- Employment generated on the site would be less under Alternative B as a result of 36 fewer acres zoned for professional office use.
- Under Alternative B, the significant unavoidable impact due to the conversion of prime farm land to urban uses would be greater, as the Project site would be larger by approximately 46.5 acres.
- Alternative B would result in a greater demand for public services than the preferred alternative, as well as a greater demand on storm drainage facilities due to the larger size of the Project site.
- Alternative B also includes a realignment of the Pelandale Expressway north of its adopted plan line. This alignment of Pelandale Avenue in the FEIR is adopted and incorporated into the Specific Plan. In moving Pelandale Avenue to the north, as shown in Alternative B in the FEIR, the City Council simultaneously rejects the land uses as specified in Alternative B.

III. STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS.

Based upon the objectives identified in the Pelandale/Snyder Specific Plan and FEIR and through the extensive public participation, the City Council has determined that the Pelandale/Snyder Specific Plan should be approved with the alignment of the Pelandale Expressway, as shown on page 32 of the FEIR, and that any remaining unmitigated environmental impacts attributable to the Pelandale/Snyder Specific Plan are outweighed by the following specific economic, fiscal, social, environmental, land-use and other overriding considerations.

1. Findings Regarding Significant Unavoidable Impacts.

The Modesto City Council has determined that approval of the Project is appropriate, despite the existence of the following potential impacts identified in the FEIR which cannot be mitigated to insignificance, based on the existence of the expected benefits of the Project:

- The conversion of approximately 408 acres of prime farm land to urban uses.
- The Pelandale Avenue/McHenry Avenue intersection after mitigation will operate at level of service (LOS)E. This is a cumulatively significant impact resulting from the Project and other growth in the area. Full mitigation is both economically and physically infeasible and since the intersection would still be functional (LOS E is still operational), the Planning Commission recommended that the intersection be allowed to operate at level of service E. Although the intersection is not fully mitigated, it is substantially mitigated by the proposed mitigation. Nonetheless, a statement of overriding considerations has been prepared.

2. Statement of Overriding Considerations.

The Modesto City Council has determined that these environmental effects are outweighed by the following expected benefits of the Project approvals and the Project as a whole:

a. Economic Considerations.

Finding #1:

Substantial evidence is included in the record demonstrating the economic benefits which the City would derive from the implementation of the Modesto Urban Area General Plan. Historically, in the past two decades, it is well documented in numerous reports that there has been very substantial population growth and economic development throughout the Stanislaus County region.

Substantial Evidence:

"Demographic and Economic Profile of Stanislaus County", prepared by the Stanislaus County Economic Development Corporation, dated 1993.

"Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3", published by the California Department of Finance.

Finding #2:

For the Modesto Urban Area to actively compete for this economic development, range of housing opportunities, job creation and adequate open space areas, it must develop an infrastructure network which will attract new industry to the area. Such an objective can only be accomplished through long range planning. The long range planning included in the Modesto Urban Area General Plan and its supporting documentation is the best method available to enable the City to participate in this economic development and diversification. All these factors will, taken together, help the City realize the very substantial job creation, range of housing opportunities and economic development potential of the Modesto Urban Area.

Substantial Evidence:

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines. (1992)

"A Strategic Planning Approach for a County in Change." (Stanislaus County's Economic Strategy, prepared by Kreines & Kreines, 1988).

Finding #3:

The ability to provide and maintain additional park and recreational facilities for residents of all ages will also occur with implementation of the policies in the Modesto Urban Area General Plan including regional trails linking urban and open space uses.

Substantial Evidence:

"Modesto Urban Area General Plan": Section V-G, Chapter V.

Finding #4:

The Project will provide for 54.7 acres of Professional Office zoning resulting in employment centers within the Project.

b. Land Use Considerations:

Finding #3:

The Project would facilitate the orderly and logical completion of three north Modesto neighborhoods (McKinney Colony, Aqueduct, and Northwest McHenry) that have been partially completed for many years.

c. Transportation Considerations.

Finding #4:

The Project will provide for a safe and efficient circulation system that accommodates multiple forms of transportation while minimizing land use conflicts.

Finding #5:

The Project will add an essential link to the City of Modesto Circulation System by providing the catalyst for the development of the Pelandale Expressway, a 110 ft. Class B Expressway linking the developed portions of the City of Modesto with Highway 99 via the Pelandale-Claratina east/west connection. The Pelandale Expressway will ease congestion on Modesto's other east/west transportation corridors (Briggsmore Expressway and Sylvan/Standiford Avenues).

d. Housing Considerations.

Finding #6:

The Project would result in the creation of approximately 2,613 new housing units, including single family and multi-family residential densities.

Finding #7:

Provision of Affordable Housing. If additional residential areas are not provided by the Pelandale/Snyder Specific Plan, the following Project Objectives from the General Plan would not be inhibited:

- The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- Work to supply housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families with five or more persons).

Finding #8:

The Housing Element, which was approved by the State Department of Housing and Community Development, calls for a commitment for substantial new housing in the Modesto Urban Area.

Substantial Evidence:

"1992 Housing Element to Modesto Urban Area General Plan".

Letter dated April 7, 1995 from the California Department of Housing and Community Development which authorizes incorporation of the 1992 Housing Element into the 1995 General Plan.

Section IV-E in 1995 General Plan.

e. Social and Other Considerations.

Finding #9:

The Project will provide necessary community facilities including development of an existing school site, parks, and related public facilities.

5. Mitigation Monitoring.

Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit "A", is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented.

6. Location and Custodian of Documents

The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 - 11th Street, Modesto, CA 95354.

7. Certification.

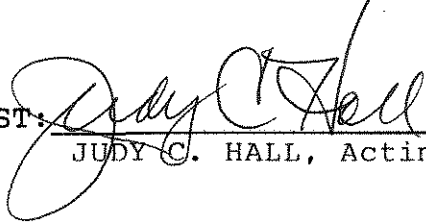
Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Environmental Impact Report for Pelandale/Snyder as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McKinsey, Mayor Lang

NOES: Councilmembers: Friedman, McClanahan

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

MITIGATION MONITORING PROGRAM

1. Purpose of the Monitoring Program

The Mitigation Monitoring Program is prepared in accordance with Section 21081.6 of the Public Resource Code. Its purpose is to provide for the accomplishment of mitigation measures required by the Final Environmental Impact Report (FEIR) for the Pelandale/Snyder Specific Plan.

2. When Implemented

The mitigation measures required for the Pelandale/Snyder Specific Plan will be implemented at various times as development proceeds in accordance with the Specific Plan. For each mitigation measure, the implementation schedule may either be ongoing, or concurrent with development.

3. Monitoring Agency

For each mitigation measure the monitoring agency will be the City of Modesto. The City will be responsible for ensuring that the mitigation measure is properly implemented.

4. Monitoring Schedule

All the mitigation measures will be monitored periodically to ensure that implementation is successful. Monitoring will occur, at a minimum, during individual development project processing.

5. Format of Mitigation Monitoring Program

The following format is established for the mitigation monitoring program, in order to comply with the requirements of Section 21081.6 of the Public Resources Code.

a. Method of Project Implementation

The City of Modesto intends to adopt all sixteen of the attached mitigation measures into the Pelandale/Snyder Specific Plan as policy statements. This approach will comply with Section 21081.6(2)(b), which states:

"A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures, or in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation or project design." (emphasis added)

- b. State Law requires the Mitigation monitoring Program to be "designed to ensure compliance during project implementation." This mitigation measure supports the state law requirement in the following manner:

In order to ensure compliance of a subsequent project with the Mitigation Measure, the measure itself must be carefully written. It is important to describe the means by which the mitigation measure relates to current practices, or established methods of review.

- c. This measure is fully enforceable through permit conditions, agreements, or other measures, as follows:

The City intends to adopt the subject mitigation measure as Policy Statement in the Pelandale/Snyder Specific Plan. This approach will comply with Public Resources Code Section 21081.6(2)(b).

MITIGATION MEASURES

1. Provide additional left-turn lanes on the eastbound, westbound, and southbound approaches to improve the intersection's operation to LOS D conditions.
2. Upgrade Tully Road between Kiernan Avenue and Standiford Avenue to a four-lane urban arterial to improve its operation to LOS A. With the adopted General Plan, Tully Road will become a six-lane arterial.
3. Provide addition through lanes on Pelandale Avenue making it a 6-lane expressway, between Dale Road and McHenry Avenue to improve intersection operations at Dale Road, Prescott Avenue, and Carver Road to LOS D or better conditions. Pelandale Avenue @ Tully Road will continue to operate at LOS E. The adopted General Plan shows Tully Road as a 6-lane arterial near Pelandale Avenue. With this further improvement, intersection operations will likely be less than significant. Pelandale Avenue @ McHenry Avenue will continue to operate at LOS F. However, the Final General Plan shows McHenry Avenue as an eight lane arterial with this configuration, and a six lane Pelandale Avenue, the intersection would operate at LOS E conditions.
4. Widen the intersection of Standiford Avenue @ Dale Road to provide four westbound through lanes, and widen the west side of the intersection to accommodate the additional lane, to improve this intersection's operation to a LOS D. Rights of way for potential widening should be reserved in anticipation of this eventual improvement.
5. Additional through lanes on McHenry Avenue, improving it to an eight lane arterial between Kiernan Avenue and Standiford Avenue, would improve segment operations to LOS D conditions. It should be noted the McHenry Avenue is designated as an eight-lane arterial under the updated General Plan.
6. Additional through lanes on State Route 99 throughout the study area would improve operations to LOS D or better on all segments.

7. If Tully Road were to have a four-lane cross-section as assumed in this analysis, limiting traffic signals on Tully Road to one signal between Kiernan Avenue and Pelandale Avenue would improve this segment's operation to LOS D conditions. However, the roadway segment of Claribel Avenue between McHenry Avenue and Coffee Road would also operate below the City's LOS D standard. This would not be a significant impact of the project since traffic resulting from the project at this location would be negligible.

8. Design all collectors to accommodate transit vehicles. Provide bus turnouts as specified in the Specific Plan.

9. Construct pedestrian/bicycle facilities internal to the project. The Pelandale/Snyder Specific Plan identifies bicycle facilities as follows:

Class 1 Bike Paths - Pelandale Avenue and MID Lateral #6
Class 2 Bike Lanes - Dale Road, Prescott Road, Tully Road

Construct pedestrian/bicycle amenities at major activity centers. Specific locations and quantities should be identified with respect to future developments.

10. The following policy shall be added to the Specific Plan:

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan Area.

11. The following measures are focused in reducing both stationary and mobile emissions generated by the project:

Incorporate the following policies into the Specific Plan:

Introduce efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units.

The use of energy efficient street lighting and on-site lighting in parking and walking areas shall be considered by the developer to reduce emissions at the power plant serving the site.

Contact transit agencies early in planning stages to assure proper location and design of bus shelters.

12. To minimize emissions associated with residential wood burning, the following policy shall be incorporated into the Specific Plan:

All residential dwellings shall utilize the EPA's Phase II certified wood burning stoves and fireplaces, resulting in a 70 to 90 percent reduction of PM 10 emissions as compared to conventional stove.

13. Implement signal synchronization, one way streets, computerized traffic controls, removal of unnecessary signals and other engineering

techniques to decrease idling time and maximize the speed of traffic on congested surface streets. A combination of these measures will be required for effective mitigation.

14. The following policy shall be added to the Specific Plan:

If cultural resources are discovered during project-related activities, all work is to cease in the vicinity of the find and the City of Modesto Planning Department and a qualified archaeologist or specialist of the appropriate discipline are to be contacted regarding evaluation of the discovery. If Native American remains are found, the County Coroner and the Native American Heritage Commission (Sacramento 916-653-4082) are to be notified immediately for recommended procedures.

15. Additional police services as required will be funded from the City operating budget.
16. It shall be the responsibility of the project applicant and the school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following:

Fees, land dedication, special taxes, etc.

The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school districts and project applicant have resolved school impacts and by what means.

A letter from Mid-Valley Engineering acting on behalf of the applicant, dated December 4, 1995 stated "All development will be required to participate in the financing mechanism in place at the issuance of building permits as specified by the respective district." Thus, this mitigation measure is self-satisfying at time of development.

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 95-581

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN TO CHANGE THE GENERAL PLAN DESIGNATION FOR ALL PROPERTY EAST OF TULLY ROAD FROM RESIDENTIAL (R) TO MIXED USE (MU) TO ALLOW FOR THE BUILD-OUT OF THE EXISTING MC KINNEY COLONY, AQUEDUCT, AND NORTHWEST MC HENRY NEIGHBORHOODS IN THE PELANDALE/SNYDER COMPREHENSIVE PLANNING DISTRICT, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

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, the current Urban Area General Plan recognizes the entire proposed Pelandale/Snyder Specific Plan area as "residential", and

WHEREAS, the Pelandale/Snyder Specific Plan is consistent with the current Urban Area General Plan, except for that portion of the plan which pertains to the General Plan Amendment, the designation of the property north of the MID Lateral No. 6 and east of Tully Road in the specific Plan Area, and

WHEREAS, in March 1993, the applicant initiated the process to prepare this project: A Specific Plan, a General Plan Amendment, an Environmental Impact Report, a Prezone and ultimately an Annexation to the City of Modesto, and

WHEREAS, pursuant to the provisions of Government Code Section 65354 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan, and

WHEREAS, on October 16, 1995, the Planning Commission held a duly noticed public workshop relating to said proposed project, and

WHEREAS, on November 15, 1995, City staff presented the Specific Plan, the Draft EIR, the Prezone, the General Plan Amendment, and Annexation to the Community Development and Housing Committee of the City Council, and said Committee moved to recommend adoption of the proposed project, and

WHEREAS, on December 4, 1995, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the Pelandale/Snyder Specific Plan, General Plan Amendment, Prezone, and proposed Annexation, at which time all interested persons were heard and their testimony, both oral and written was considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 95-33, recommending to the City Council an amendment to the General Plan to reflect a change to the General Plan designation for all property east of Tully Road from Residential (R) to Mixed Use (MU) to allow for

the build-out of the existing McKinney Colony, Aqueduct, and Northwest McHenry Neighborhoods in the Pelandale/Snyder Comprehensive Planning District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 1995, in the City Council Chambers, City Hall, 801 11th 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 project, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the Final Environmental Impact Report (SCH 93042004) prepared for the proposed Pelandale/Snyder Specific Plan, as required by Section 15025 of the CEQA Guidelines, a copy of which Final Environmental Impact 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 it hereby finds and determines that the amendment to the General Plan to reflect a change to the General Plan designation for all property east of Tully Road from Residential (R) to Mixed Use (MU) to allow for the build-out of the existing McKinney Colony, Aqueduct, and Northwest McHenry Neighborhoods in the Pelandale/Snyder Comprehensive Planning District, in the City of Modesto is logical and necessary for the orderly development of the City of Modesto and is required for the public health, safety and welfare for the following reason:

The proposed Pelandale/Snyder Specific Plan and the General Plan Amendment are internally consistent with the City of Modesto's currently Urban Area General Plan as follows:

- a. Multi-family housing is located along major streets, and provides an important component of the City's affordable housing goals.
- b. The designation of the P-O area as shown on the plan to "mixed use" in the General Plan allows for professional offices at the intersection of a major street and a proposed expressway.
- c. The single-family designation along with the multi-family designation is consistent with the development pattern throughout most of the City and provides a balance of residential land uses.

BE IT FURTHER RESOLVED by the Council that the General Plan be and hereby is amended to revise the Pelandale/Snyder Comprehensive Planning District 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 certify copies of said Amended General Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective on the effective date of Ordinance No. 2961-C.S., introduced by the Council on December 12, 1995, rezoning the Specific Plan Area to P-R-1, P-R-3, and P-P-0.

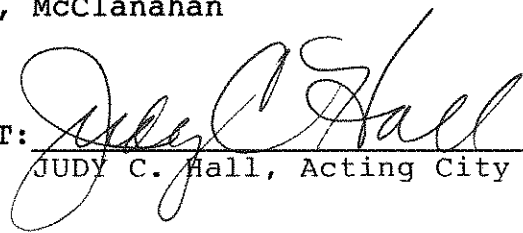
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McKinsey, Mayor Lang

NOES: Councilmembers: Friedman, McClanahan

ABSENT: Councilmembers: None

ATTEST:



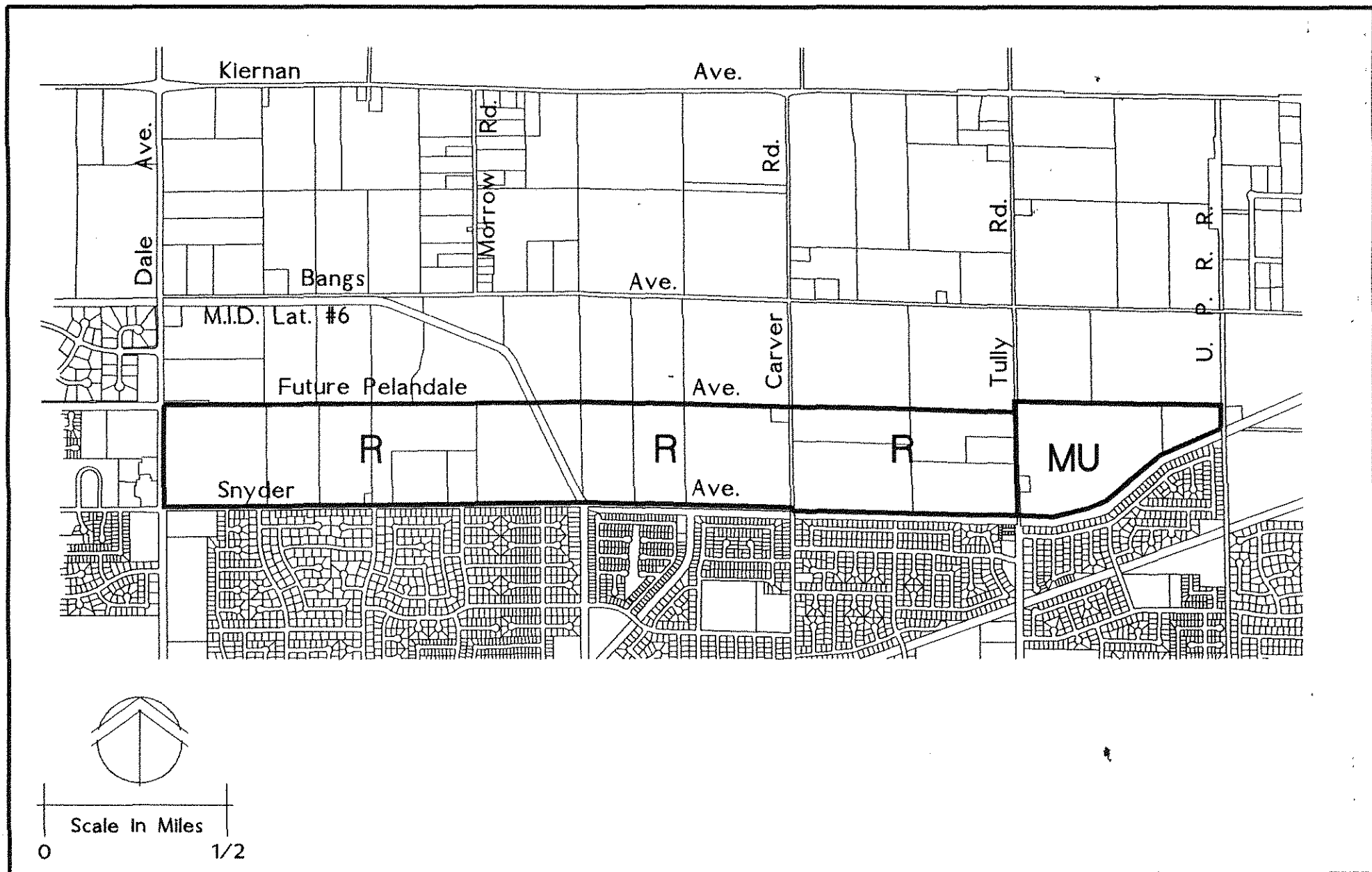
JUDY C. Hall, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Exhibit A



MODESTO CITY COUNCIL
RESOLUTION NO. 95-582

A RESOLUTION ADOPTING THE
PELANDALE/SNYDER SPECIFIC PLAN.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Pelandale/Snyder Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, a consortium of property owners has prepared a Specific Plan for the area described as the Pelandale/Snyder Specific Plan Area, located between Snyder Avenue and the extension of Pelandale Avenue, extending east from Dale Road and west from the Union Pacific Rail Road tracks, and

WHEREAS, in March, 1993, the applicant initiated a proposal for development of approximately 408 acres with the principal components being single-family and multi-family residential development, professional office development, a

neighborhood park, and elementary school, and a Class I bikeway along the M.I.D. right-of-way, and

WHEREAS, the proposed project consists of a Specific Plan, a General Plan Amendment, an Environmental Impact Report, a prezone and ultimately an annexation to the City of Modesto, and

WHEREAS, on October 16, 1995, the Planning Commission held a duly noticed public workshop relating to said project and received public comment, and

WHEREAS, on November 15, 1995, City staff presented the proposed project Specific Plan, the Draft EIR, the Prezone, the General Plan Amendment, and Annexation to the Community Development and Housing Committee of the City Council, and said Committee moved to recommend adoption of the proposed project, and

WHEREAS, on December 4, 1995, the Planning Commission held a duly noticed public hearing in the Council Chambers, City Hall, 801 11th Street, Modesto, California, after which the Planning Commission adopted Resolution No. 95-33 recommending that the City Council approve the Pelandale/Snyder Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 1995, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

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

The Specific Plan for the Pelandale/Snyder area is consistent with the current Urban Area General Plan, except for that portion of the plan which pertains to the General Plan Amendment, the designation of the property north of the MID Lateral No. 6 and east of Tully Road in the Specific Plan area.

BE IT FURTHER RESOLVED that the Council hereby adopts the Pelandale/Snyder Specific Plan, with the land uses as shown on page 29 (figure 2) of the Final EIR ("the proposed land use diagram"), with the alignment of the Pelandale Expressway as shown on page 32 of the Final EIR (figure 3), a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that this resolution shall become effective on the effective date of Ordinance No. 2961-C.S., introduced by the Council on December 12, 1995, rezoning the Pelandale/Snyder Specific Plan Area to P-R-1, P-R-3, and P-P-0.

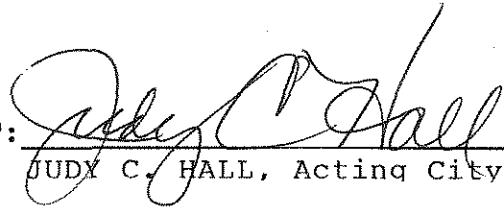
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McKinsey, Mayor Lang

NOES: Councilmembers: Friedman, McClanahan

ABSENT: Councilmembers: None

ATTEST:

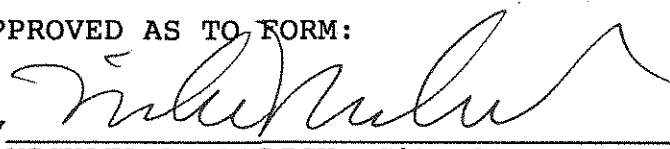


JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By



MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 95-583

A RESOLUTION IN SUPPORT OF THE APPLICATION OF SEVERAL PROPERTY OWNERS TO THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE PELANDALE/SNYDER REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, certain property owners have requested the support of the City on their application to the Stanislaus County Local Agency Formation Commission for a reorganization to the City of Modesto, and

WHEREAS, said property owners desire to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Pelandale/Snyder Reorganization to the City of Modesto, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit "A", entitled Pelandale/Snyder Annexation, attached hereto and by this reference incorporated herein, and

WHEREAS, the area proposed to be annexed is within the sphere of influence of the City of Modesto, as adopted on December 19, 1994, 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 Salida Fire Protection District; and
- (c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Pelandale/Snyder Reorganization to the City of Modesto is as follows:

The requested reorganization is required by public convenience or necessity because the Pelandale/Snyder Comprehensive Planning District is consistent with the City of Modesto Urban Area General Plan.

The requested reorganization will result in an orderly planned use of land resources because the proposed Pelandale/Snyder Specific Plan implements a Community Growth Policy of the general Plan to provide sufficient land supply, namely; it promotes the expansion of the Modesto Urban Area towards the north to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the north side of Modesto.

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "B" attached hereto and by this reference incorporated herein,

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 Pelandale/Snyder Specific Plan, adopted by the Council of the City of Modesto on December 12, 1995.
2. That this Resolution In Support Of Application is hereby adopted.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency Formation Commission, as a Responsible Agency for the purposes of the

California Environmental Quality Act, consider the certified Final Program Environmental Impact Report, LAFCO's deliberations on this Reorganization application.

BE IT FURTHER RESOLVED by the Council that the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of Stanislaus County.

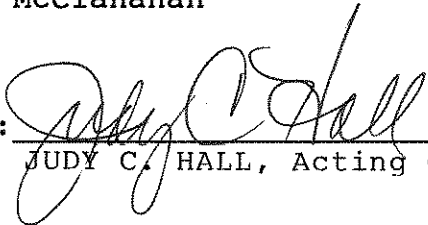
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, McKinsey, Mayor Lang

NOES: Councilmembers: Friedman, McClanahan

ABSENT: Councilmembers: None


ATTEST:



JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney



A Professional Corporation

900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

December 19, 1995

Job No. 70-332

EXHIBIT "A"
LEGAL DESCRIPTION

PELANDALE ANNEXATION

ALL that certain real property being a portion of Section 1, Township 3 South, Range 8 East, Sections 5, 6, 7, and 8, township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

BEGINNING at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 8 of Surveys, at Page 26, Stanislaus County Records; thence North 89 degrees 07'16" East, along said South line of the North half of the South half of Section 1, a distance of 5,293.70 feet to a point on the East line of said Section 1, and the Northwest corner of Lot 6, as shown on the Nash Tract, filed in Volume 4 of Maps, at Page 10, Stanislaus County Records; thence South 88 degrees 31'21" East, along the North line of Lots 6, 7, 9, and 11 of said Nash Tract, a distance of 3,482.91 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet, and from which point a radial line bears North 3 degrees 46' 02" West; thence Northeasterly 394.03 feet along said curve through a central angle of 4 degrees 30' 55" to the beginning of a curve concave to the Southeast, having a radius of 5000.00 feet; thence Northeasterly 820.38 feet along said curve through a central angle of 9 degrees 24' 03"; thence South 88 degrees 52' 54" East, a distance of 797.97 feet to a point on the East line of the above mentioned Section 6, with said point lying on the center line of a county road known as Tully Road; thence North 1 degree 15'20" West, along said centerline and said section line, a distance of 17.01 feet to the Westerly prolongation of the North line of Parcel 1, as shown on the map filed on January 29, 1985, in Book 36 of Parcel Maps, at Page 21, Stanislaus County Records; thence South 88 degrees 52'54" East, along last said line and along the North line of Parcels 1 and 2 of aforesaid parcel map and the Easterly prolongation thereof, a distance of 2,604.35 feet to the intersection with the Westerly right-of-way line of Union Pacific Railroad; thence South 1 degree 19'04" East along said Westerly right-of-way line of Union Pacific Railroad right-of-way, a distance of 457.29 feet to the intersection with the Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6; thence in a Southwesterly direction along said Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6 and the existing city limits line, the following twelve (12) courses; 1) thence South 68 degrees 19'55" West, 732.55 feet to the beginning of a curve, concave to the Southeast, having a radius of 242.90 feet; 2) thence 81.93 feet along the arc of said curve through a central angle of 19 degrees 19'35"; 3) thence south 49 degrees 00'20" West, 654.01 feet; 4) thence South 49 degrees 32'46" West, 208.15 feet; 5) thence South 40 degrees 27'14" East, 5.00 feet to the beginning of a curve, concave to the Northwest, having a radius of 367.90 feet from which a radial line bears South 40 degrees 27'14" East; 6) thence 175.40 feet along the arc of said curve

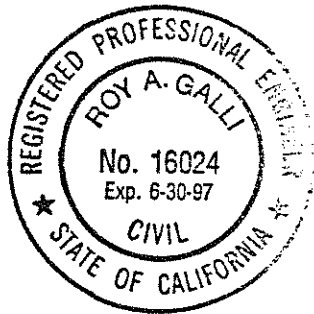
December 19, 1995

Legal Description - Pelandale Annexation

Page 2

through a central angle of 27 degrees 19'00"; 7) thence South 76 degrees 51'46" West, 550.72 feet to the beginning of a curve concave to the North and having a radius of 367.90 feet; 8) thence 96.32 feet along the arc of said curve through a central angle of 15 degrees 00' 01"; 9) thence North 88 degrees 08'13" West, 395.19 feet; 10) thence North 88 degrees 36' 03" West, 844.31 feet; 11) thence North 0 degrees 29'50" West, 18.53 feet; 12) thence North 88 degrees 36'20" West, 2,000.88 feet to a point on the East right-of-way line of Carver Road; thence North 0 degrees 48'09" West, along said East right-of-way line of Carver Road and the existing city limits line, a distance of 108.06 feet to a point on the South line of said Section 6; thence North 88 degrees 36'20" West, along said South line of Section 6, and the centerline of Snyder Avenue and the existing city limits line, a distance of 2,657.37 feet to the Southwest corner of said Section 6; thence South 89 degrees 07'00" West along the South line of said Section 1 and the existing city limits line, a distance of 5,305.58 feet to the Southwest corner of said Section 1 and the centerline of Dale Road; thence North 0 degrees 19'30" West, along the West line of said Section 1 and the centerline of Dale Road, a distance 1,324.72 feet to the POINT OF BEGINNING.

Containing 408.11 acres, more or less.



MID-VALLEY ENGINEERING, INC.

Roy A. Galli - R.C.E. 16024
License Expires 6/30/97

Date 12/22/95

BASIS OF BEARINGS:

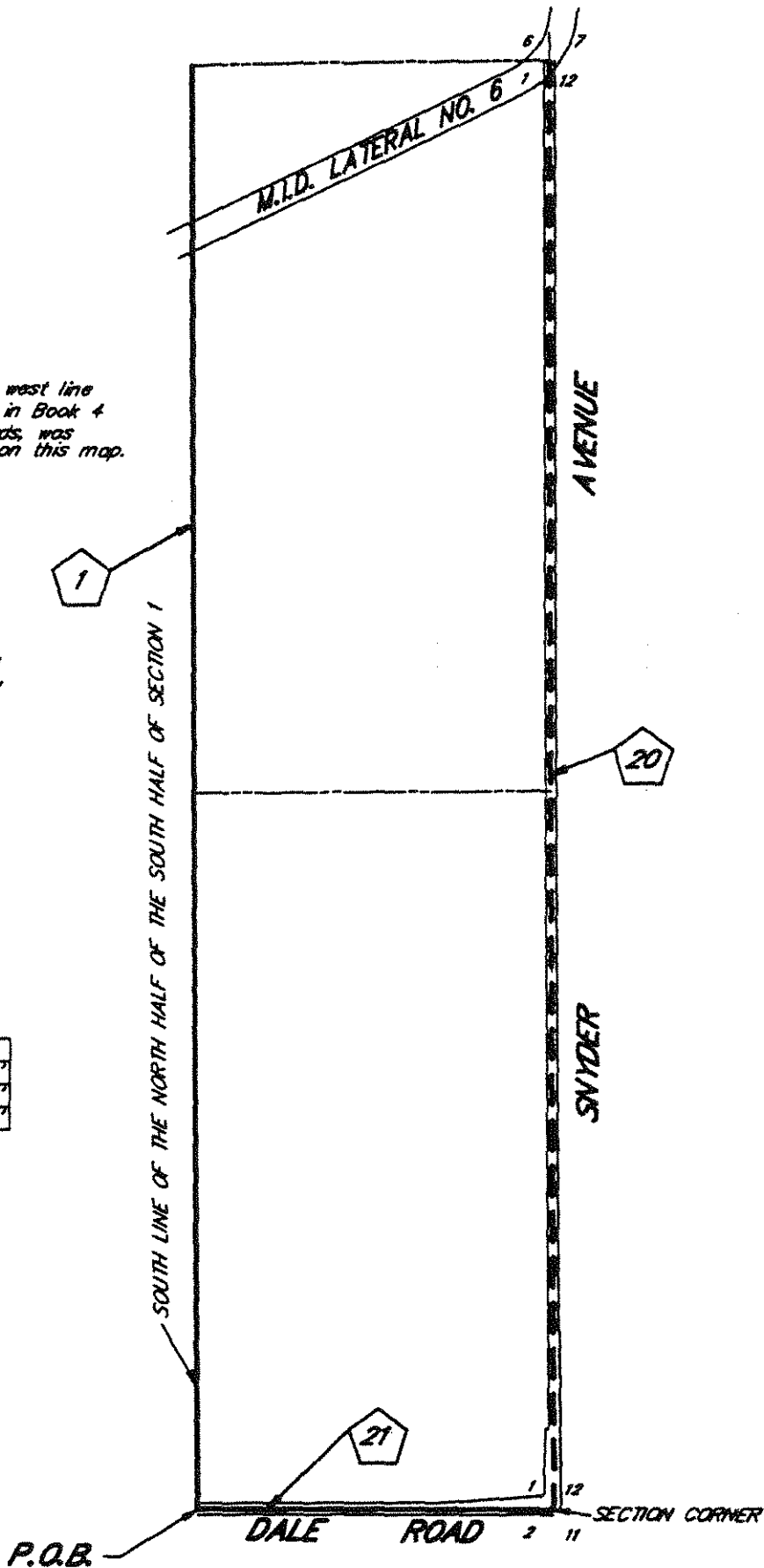
The bearing of $N.00^{\circ}50'20'' W.$, along the west line of Section 6, as shown on the map filed in Book 4 of MAPS, Pg 10, Stanislaus County Records, was used for the basis of all bearings shown on this map.

--- Existing City Limits Line



LINE TABLE

LINE	DIRECTION	DISTANCE
1	N 89°07'16" E	5293.70'
20	S 89°07'00" W	5305.58'
21	N 00°19'30" W	1324.72'



P.O. BOX 816, MODESTO, CALIFORNIA 95353

PELANDALE ANNEXATION

408.11 ACRES

--- Existing City Limits Line

SCALE: 1"=600'

LINE TABLE

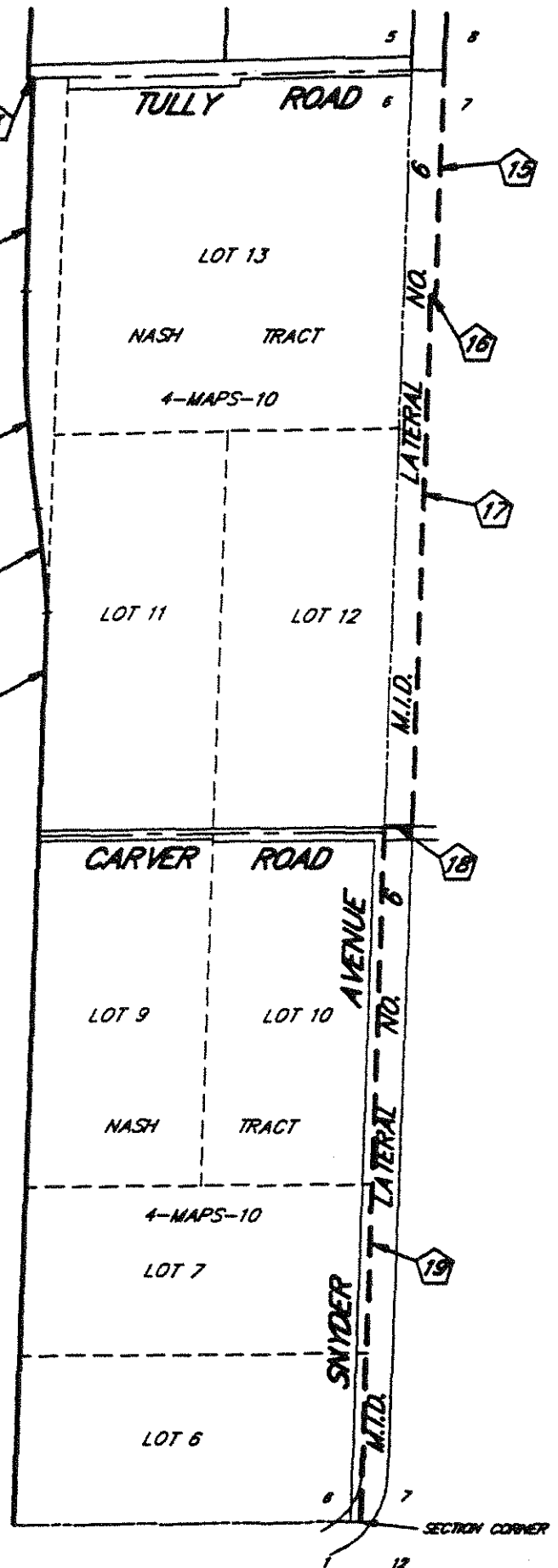
LINE	DIRECTION	DISTANCE
2	S 88°31'21" E	3482.91'
3	N 01°15'20" W	17.01'
15	N 88°36'03" W	844.31'
16	N 00°29'50" W	18.53'
17	N 88°36'20" W	2000.88'
18	N 00°48'09" W	108.06'
19	N 88°36'20" W	2657.37'
24	S 88°52'54" E	797.97'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA
22	5000.00'	394.03'	197.12'	393.93'	04°30'55"
23	5000.00'	820.38'	411.11'	819.46'	09°24'03"

BASIS OF BEARINGS:

The bearing of N.00° 50'20" W., along the west line of Section 6, as shown on the map filed in Book 4 of MAPS, Pg 10, Stanislaus County Records, was used for the basis of all bearings shown hereon.



P.O. BOX 816, MODESTO, CALIFORNIA 95353

PELANDALE ANNEXATION

408.11 ACRES

SHEET 2 OF 3 SHEETS

BASIS OF BEARINGS:

The bearing of N.00° 50'20" W, along the west line of Section 6, as shown on the map filed in Book 4 of MAPS, Pg 10., Stanislaus County Records, was used for the basis of all bearings shown on this map.

--- Existing City Limits Line

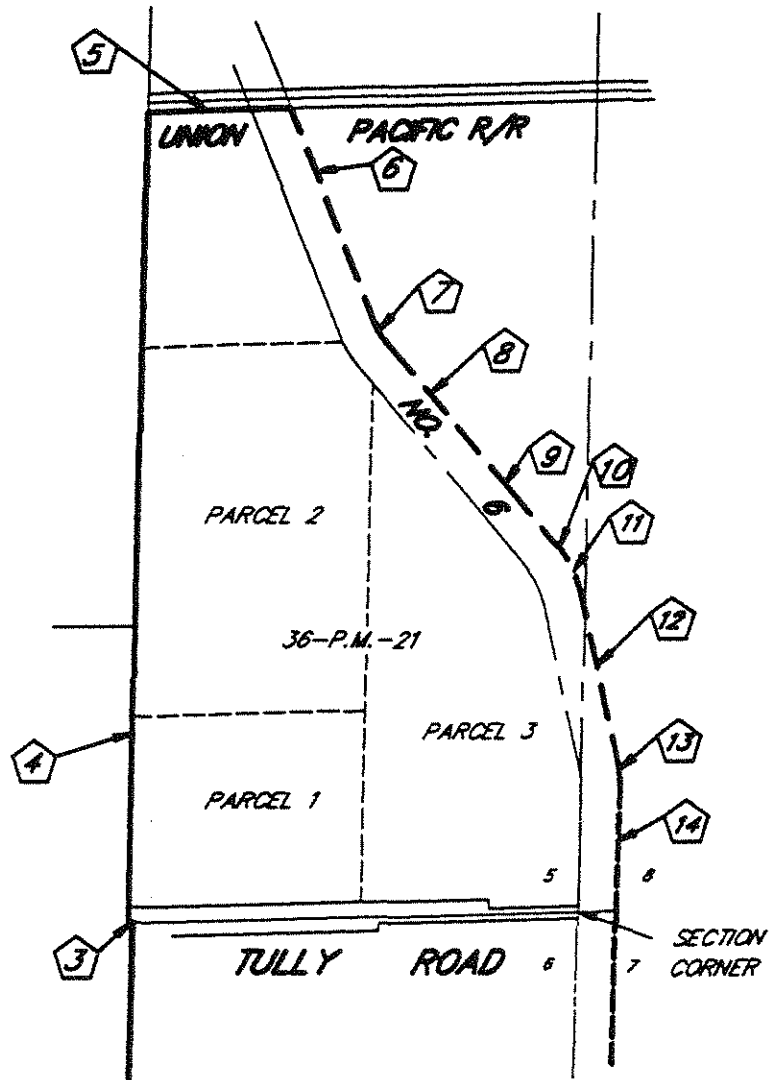
SCALE: 1"=600'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA
7	242.90'	81.93'	41.36'	81.54'	1979'35"
11	367.90'	175.40'	89.40'	173.75'	2779'00"
13	367.90'	96.32'	48.44'	96.04'	1500'01"

LINE TABLE

LINE	DIRECTION	DISTANCE
3	N 0175'20" W	17.01'
4	S 88'52'54" E	2604.35'
5	S 0179'04" E	457.29'
6	S 68'19'55" W	732.55'
8	S 49'00'20" W	654.01'
9	S 49'32'46" W	208.15'
10	S 40'27'14" E	5.00'
12	S 76'51'46" W	550.72'
14	N 88'08'13" W	395.19'



PELANDALE ANNEXATION

408.11 ACRES



P.O. BOX 816, MODESTO, CALIFORNIA 95353

PLAN FOR PROVIDING SERVICES

Pelandale/Snyder Specific Plan and Reorganization

Pursuant to Section 56653 of the Cortese-Knox Reorganization Act of 1985, listed below are the services that the City of Modesto will be taking over for the aforementioned area.

1. Parking and Traffic - Public Works and Transportation.

As streets are placed, this department will assign traffic control and street name signs.

2. Engineering Services - Public Works and Transportation.

This is for water, sewer, sidewalks, curbs and street lights all built to city standards.

3. Police.

The Police Department will inherit the responsibility of serving this area.

4. Fire.

The Fire Department will inherit the responsibility of serving this area.

5. Parks and Recreation.

No new parks will be required as the existing facilities adequately serve the areas to be annexed. Regular service and additional improvements can be expected in the parks that serve this area.

Police, Fire, and Park and Recreation services will become available immediately upon formal annexation to the City of Modesto. Police and Fire Services will require additional people and facilities over time as the area is built out. These services are principally funded through the City's Capital Facilities Fees system.

Dated: December 12, 1995

MODESTO CITY COUNCIL
RESOLUTION NO. 95-584

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN TEXT TO REFLECT 200 ADDITIONAL DWELLING UNITS IN THE FAIRVIEW VILLAGE COMPREHENSIVE PLANNING DISTRICT, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

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, the Community Development Policies in the General Plan, specifically the Fairview Village Comprehensive Planning District, Supplemental Land Use Policies text on page III-36, a copy of which is on file in the office of the City Clerk, states "this Comprehensive Planning District shall contain a maximum of 2,050 dwelling units", and

WHEREAS, the residential development program, proposed by an applicant for the Fairview Village project, contains an additional 200 dwelling units for a total of 2,250 dwelling units, and

WHEREAS, the primary project would be an approximate 350-acre Specific Plan, predominantly residential, featuring a central school/open space focus, an appropriately sized and located neighborhood commercial center, and many neotraditional planning features which are encouraged by the General Plan, and

WHEREAS, pursuant to the provisions of Government Code Section 65354 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan, and

WHEREAS, on November 27, 1995, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the Fairview Village Specific Plan, Final Focused EIR, and General Plan Amendment, including the application for the residential development program, proposed by the applicant for the Fairview Village project, which contains an additional 200 dwelling units for a total of 2,250 dwelling units, and which stimulates the necessity for an amendment to the General Plan text, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 95-30, recommending to the City Council an amendment to the General Plan text to reflect an additional 200 dwelling units in the Fairview Village Comprehensive Planning District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 1995, in the City Council Chambers, City Hall, 801 11th 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 General Plan text

to reflect an additional 200 dwelling units in the Fairview Village Comprehensive Planning District, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the Final Focused Environmental Impact Report (SCH3 95032006) prepared for the proposed Fairview Village specific Plan, as required by Section 15025 of the CEQA Guidelines, a copy of which Final Focused Environmental Impact 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 it hereby finds and determines that the General Plan text amendment to reflect an additional 200 dwelling units in the Fairview Village Comprehensive Planning District, in the City of Modesto is required for the public health, safety and welfare for the following reason:

When the General Plan was adopted on August 15, 1995, maximum residential buildout of the Fairview Village was specified at 2050 dwelling units. In preparing plans for the Fairview Village, the applicant proposed to increase this maximum buildout to 2250 units, an increase of 200 dwelling units. The Focused EIR analyzed this higher number, and did not report any significant worsening of impacts due to this increase. The Traffic Study prepared for the EIR did not indicate any problems with the addition of 200 units, compared to the present General Plan. The higher overall density for the project will further the General Plan's goals to promote neotraditional planning principles. (See page III-10 of the General Plan)

BE IT FURTHER RESOLVED by the Council that the General Plan be and hereby is amended to revise the text of the Fairview Village Comprehensive Planning District 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 certify copies of said Amended General Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 2962 C.S. rezoning the Specific Plan Area to Specific Plan-Overlay, SP-O, and rezoning of the lots north of Hatch Road to R-1, introduced by the Council on December 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McKinsey Mayor Lang
NOES:	Councilmembers:	McClanahan
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Exhibit III-7

FAIRVIEW**COMPREHENSIVE PLANNING DISTRICT**1. Overview

This Comprehensive Planning District proposes the preparation of a Specific Plan which will provide for the orderly development of approximately 350 acres of agricultural land with a variety of residential uses, a neighborhood commercial center, an elementary school, and neighborhood parks. Approximately ~~2,050~~ **2,250** residential units are proposed. The project boundaries include Fairview Elementary School, and a second elementary school is proposed within the project site. Approximately 25 acres of parks are proposed.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Descriptiona. Land Use Types: (See Section III-B)

- 350 acres designated "Village Residential"

b. Location:

The support commercial uses in the Comprehensive Planning District should be sited to facilitate pedestrian access from the residential development.

4. Land Use Policiesa. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) Neotraditional Planning Principles (Section III-C(3))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

- (1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of ~~2,050~~ **2,250** dwelling units.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

- a. This Comprehensive Planning District will be served by a short subtrunk extension from the trunk sewer in South Modesto.

6. Focused EIR:

The Focused Environmental Impact Report for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

- a. A total of ~~2,050~~ **2,250** dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

The exact boundaries of this Comprehensive Planning District will be determined by the Comprehensive Plan.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-585

A RESOLUTION ADOPTING THE FAIRVIEW
VILLAGE SPECIFIC PLAN.

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 the greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Fairview Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, a Draft Specific Plan (Exhibit 1) dated September 18, 1995, was distributed for public review around the September 18, 1995, date, and was made available to the Planning Commission prior to the Planning Commission November 27, 1995, public hearing, and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 27, 1995, to receive evidence both oral and documentary regarding the Draft Specific Plan, and to consider making a recommendation to the City Council on said Draft Specific Plan, and

WHEREAS, the primary project would be an approximate

350-acre Specific Plan, predominantly featuring a central school/open space focus, an appropriately sized and located neighborhood commercial center, and many neotraditional planning features which are encouraged by the General Plan, and

WHEREAS. after said public hearing held on November 27, 1995, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, the Planning Commission adopted Resolution No. 95-29 recommending that the City Council approve the Fairview Village Specific Plan, as amended by an attachment titled "Changes Recommended by the Planning Commission, dated November 27, 1995, which includes changes to be incorporated into the original Draft Specific Plan, dated September 18, 1995, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 1995, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

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

The proposed Fairview Village Specific Plan, which consists of the Draft Specific Plan dated September 18, 1995, as amended by the document entitled "Changes Recommended by the Planning Commission," dated November 27, 1995, is consistent with the City of Modesto Urban Area General Plan for the reason set forth on pages 11-12 of the Fairview Village Specific Plan, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Council hereby adopts the Fairview Village Specific Plan, dated September 18, 1995 (Exhibit 1), copies of which are on file in the office of the City Clerk, as amended by a document entitled "Changes Recommended by the Planning Commission," dated November 27, 1995 (Exhibit 2), attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance 2962 C.S., rezoning the Fairview Village Specific Plan Area to Specific Plan-Overlay, and rezoning the lots north of Hatch Road to R-1, introduced by the Council on December 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McKinsey, Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Exhibit 1

DRAFT

9/18/95

FAIRVIEW VILLAGE SPECIFIC PLAN



TERRA PACIFIC Development, Inc.
and Partners

D R A F T
9/18/95

FAIRVIEW VILLAGE SPECIFIC PLAN

prepared by
Jack Sidener Associates with
Jay W. Claiborne
for TERRA PACIFIC Development, Inc.
and Partners

September 1995

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Chapter 1: Introduction

1.1 Forward

Fairview Village is a proposed planned community for approximately 5000 people. It is to be developed on a 364 acre site, held in three contiguous ownerships, at the southwest edge of the City of Modesto. Bounded by the expanded Hatch and Carpenter Roads and by Whitmore Avenue, the Village is designed around a large, central neighborhood park and elementary school. At build out, Fairview Village will include two elementary schools, the new school plus the existing Fairview School, the central neighborhood park and a commercial center with shops, offices and apartments.

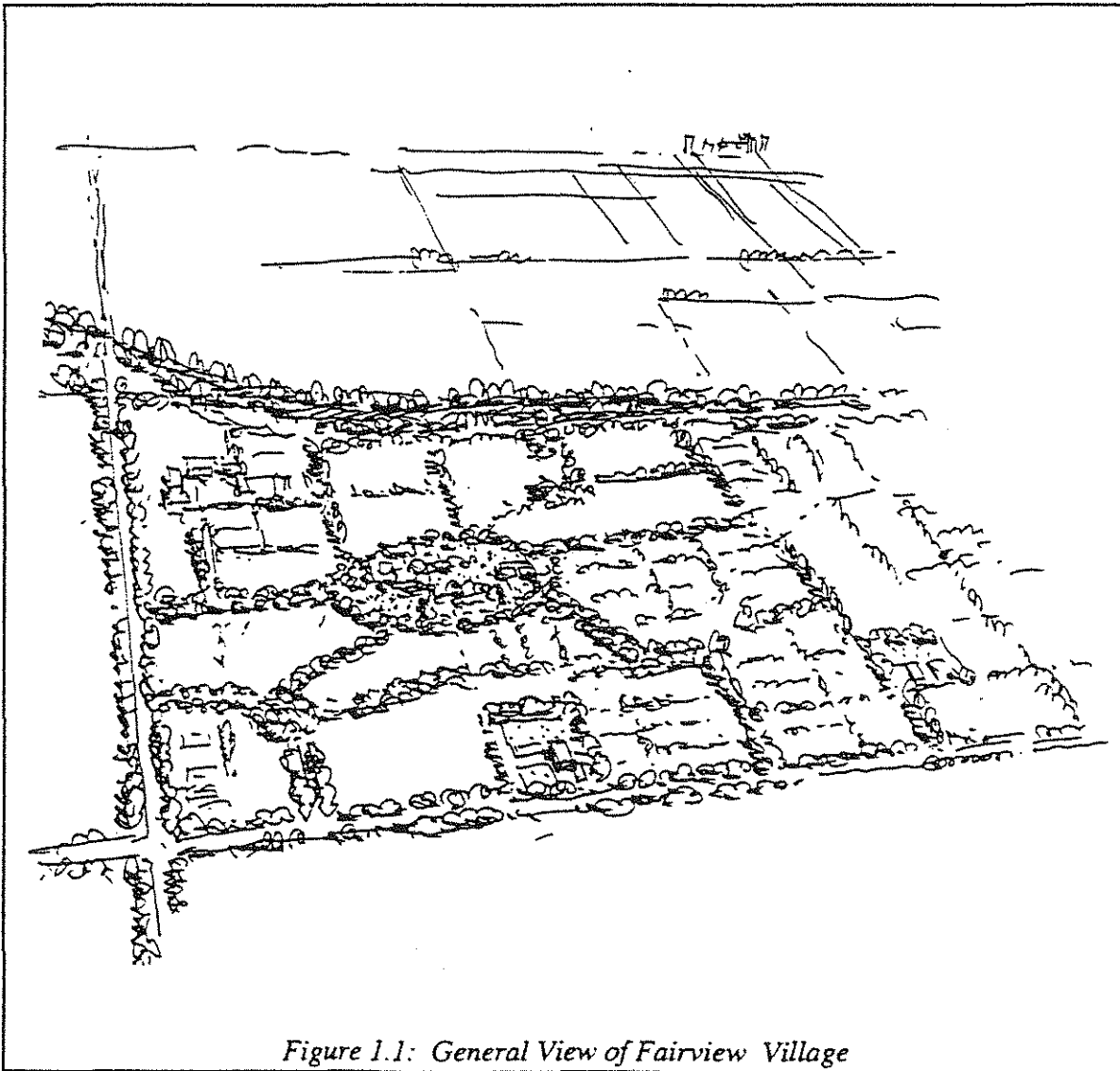


Figure 1.1: General View of Fairview Village

1.2 Purpose and Nature of the Specific Plan

The purpose of the Fairview Village Specific Plan is to implement the goals, objectives and policies of the City of Modesto General Plan, as authorized by Section 65450 *et. seq.* of the State Government Code. Section 65451 specifies that a Specific Plan shall include text and a diagram or diagrams to describe in detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
4. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

Specific plan legislation was adopted by the California legislature as an optional planning tool, available to local governments, to facilitate implementation of their General Plan. The primary function of the Specific Plan is to require that an area, or subarea of the General Plan be developed as a unit with regard to land use, public facilities and infrastructure. By grouping properties together for planning purposes, regardless of size, ownership or existing land uses, it was felt that community facilities and public improvement projects could be planned more effectively and could be financed and developed in conjunction with orderly private development. The Specific Plan is intended to prevent the piecemeal, random development of an area by requiring a rational sharing of resources.

The Specific Plan is not a rigid book of rules nor does it attempt to control every design detail of future development projects. By focusing on land use, infrastructure, design standards for public improvements and on implementation, it seeks to avoid the mistakes of static, end-state plans which leave little if any room for future flexibility or design creativity. The Specific Plan anticipates changing market conditions and acknowledges that developers will play an active role in determining the final design of individual projects that are consistent with Plan policies and requirements, including necessary mitigation measures for identified environmental impacts.

Prior to the Specific Plan process, property owners often were able to petition successfully under the General Plan for annexation and development approvals regardless of the planning condition of nearby properties. The problem of piecemeal development was compounded in the late 1980s by a generalized real estate boom in the State and combined with reduced public funding for public improvements. Planners found it difficult to project growth impacts and to provide adequate public facilities and services. The Specific Plan was conceived as a valuable subset to the General Plan. It was designed to provide a bridge that did not previously exist between public interests and resources, including requirements for necessary infrastructure and services, on the one hand and private, one party land interests on the other.

In 1989, the City of Modesto adopted the Urban Growth Management Strategy, which requires that any future development within what is called the "Urban Reserve" be planned and annexed as "villages" under the auspices of Specific Plans. This action was seen as a necessary response to preventing new development in undeveloped areas prior to there being adequate consideration for public service facilities such as roadways, parks, schools, and utility improvements.

The Fairview Village Specific Plan provides a comprehensive, orderly approach to growth within the Sphere of Influence of the City of Modesto. It adheres to the fundamental purposes of the Specific Plan process to prevent urban sprawl by providing coordinated development of public resources and facilities concurrent with private development. As an implementation oriented plan, it avoids the micro-management of such details as lot design and the use of architectural design standards and guidelines that have proved cumbersome, if not ineffective, in other plans. It does not intend to limit private initiative, creativity or market flexibility during any or all phases of build out. It strives to conform to the critical concepts of comprehensive planning while recognizing that, as a market driven plan, the very essence of successful implementation is to allow adequate flexibility for future, unknown market conditions.

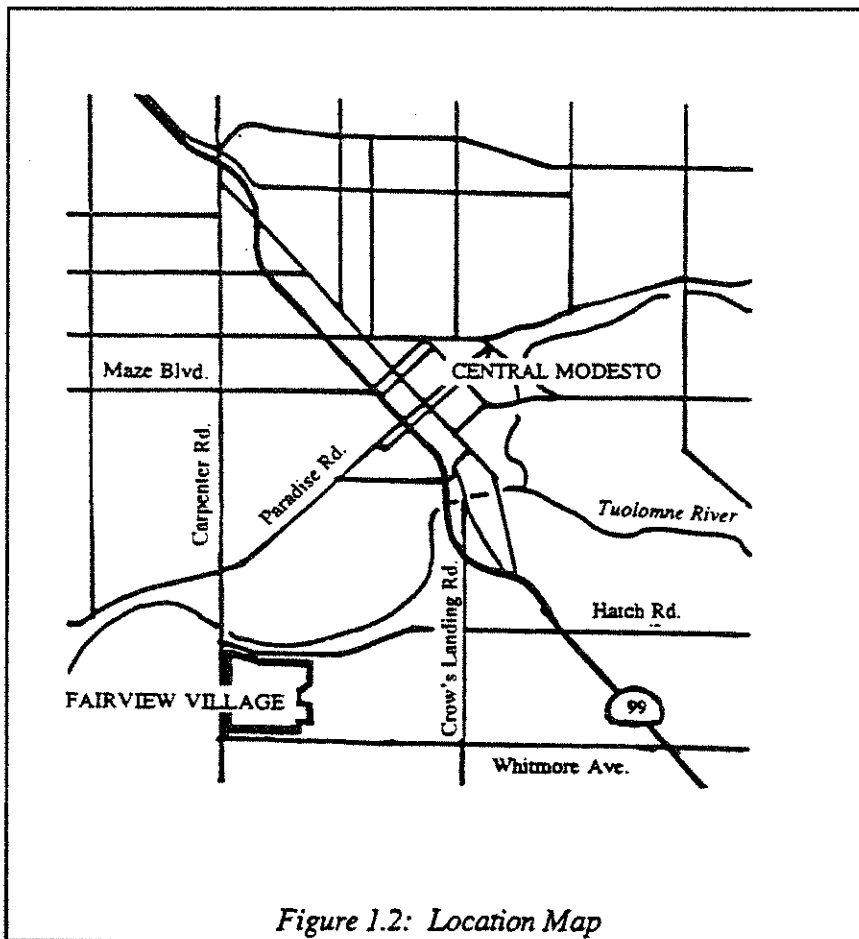
In summary, The Fairview Village Specific Plan is a blueprint for the construction of a new City of Modesto community of approximately 2250 homes, a village commercial center, and a new elementary school and central neighborhood park. The central neighborhood park and school, together with a distribution of development into two Sub-Areas, are the signature features of the Plan, which establishes market feasible land uses and provides the infrastructure design and financing concepts necessary for annexation and development of the Plan Area.

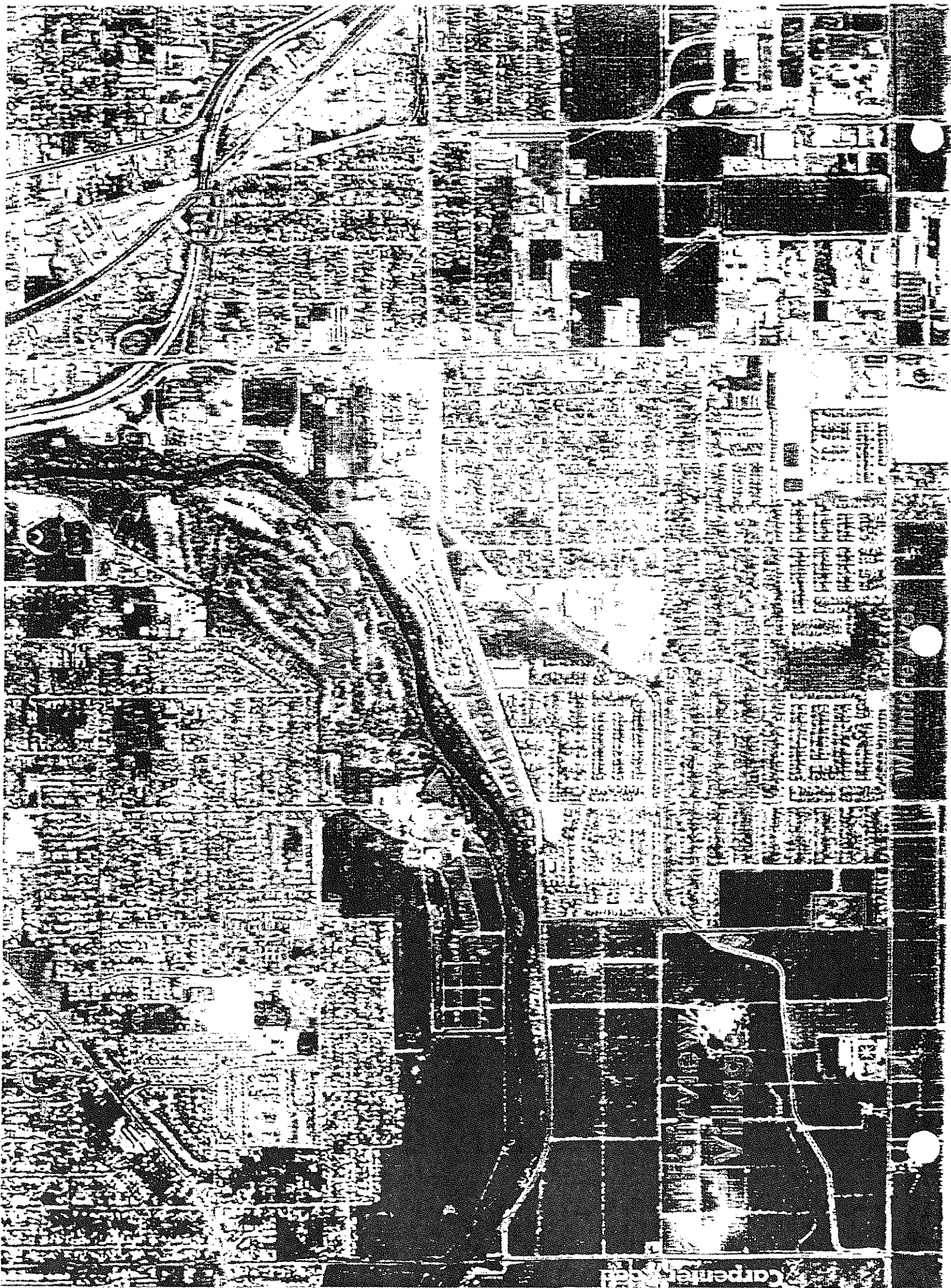
1.3 Fairview Village Setting

1.3.1 Location

The Fairview Village Plan Area is located just outside the southwestern boundary of Modesto, in Stanislaus County. It is contiguous to the Bret Harte neighborhood on the east and is bounded by three existing major streets on the other sides, Whitmore Avenue on the south, Carpenter Road on the west, and Hatch Road on the north. The Tuolumne River is nearby, just north of Hatch Road. The Area is within easy access of both Highway 99 and State Route 132.

The City's Growth Management Planning policy identifies Fairview Village as a logical location for new development and the County designates it an "Urban Transition" area.





Willmore Ave.

Carpenter Road

1.3.2 Boundaries and Area

The Fairview Village Plan Area is essentially square with each edge being approximately 3/4 mile. It is comprised of 9 parcels in 5 ownerships as shown on the accompanying Ownership and Parcel Area diagram. Two utility easements are located diagonally across the Plan Area. One is 50 feet wide and contains the Turlock Irrigation District (TID) Lateral No. 1. The second is 40 feet wide and contains a City of Modesto, 60 inch force main outfall sewer line that extends to Whitmore Avenue, beyond which it becomes a gravity sewer line. Two properties, Fairview Elementary School and Fairview Park, are publicly owned. The properties being planned for new development are held in three major ownerships. Gross acreage for the development properties, school and park is shown in Table 1.1, below:

Property	Gross Acreage
Bava Brothers	169.12 * **
TPD & Partners	99.14 *
Galas Brothers	81.66 * **
Fairview Elementary School	9.63
Fairview Park	4.65
Total	364.20
* Includes TID Lateral No. 1	
** Includes City of Modesto Sewer Easement	

Table 1.1: Parcel Areas

The TPD property is not in agricultural use. The western parcels, owned by the Bava Brothers, currently are subject to the provisions of the Williamson Act. No application for reversion has been made. The Galas Brothers' property is also subject to Williamson Act provisions which been protested by the City. Because of the City's protest, the Galas Brothers' property can be withdrawn from the Williamson Act contract upon annexation without penalty.

FAIRVIEW VILLAGE SPECIFIC PLAN

For purposes of analysis, the City's EIR for the Fairview Village Specific Plan divides the proposed development program into two sub-areas. Sub-Area A includes the TPD & Partners' property and the Galas Brothers' property. Sub-Area B comprises the Bava Brothers' property. The boundaries for properties and easements within the Plan Area, as well as for Sub-Areas A and B, are shown on the Ownership and Parcel Area Map, below.

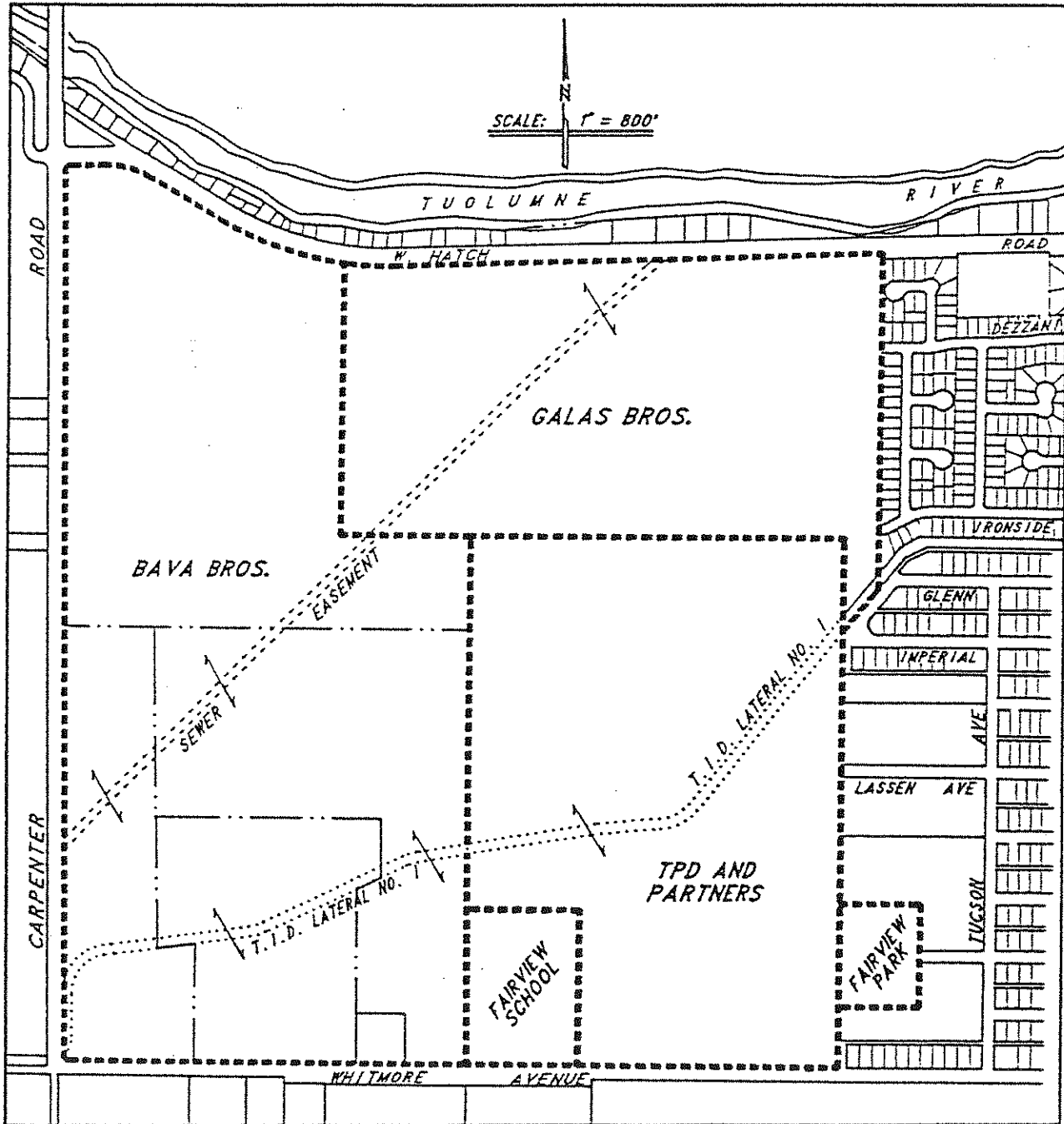


Figure 1.3: Ownership and Parcels, Also Showing Sub-Areas A & B

1.3.3 Summary of the Environmental Setting

The overall site, having been graded for irrigated agricultural use, is relatively flat, with a gradual downslope from south to north. Soils are generally alluvial deposits of sandy loam with some hardpan, designated as Prime Farmland by the California Department of Conservation. The area north of the TID lateral is designated as being within a 500 year flood plain. The Master EIR for the City of Modesto General Plan Revision indicates the potential that the northern half of the site contains archaeological and biological resources.

The FEIR for the Fairview Village Specific Plan Area will identify required mitigation measures for land uses and allowable development intensities.

1.4 Planning Process

This Specific Plan is part of a comprehensive planning process which serves to implement the City of Modesto General Plan goals and objectives according to Specific Plan identified principles, policies and key projects. The detailed nature of the Specific Plan is intended to simplify the subsequent planning process and schedule and to clear the way for more efficient and timely approvals of projects in the Plan Area that are consistent with Plan policies, land use designations and infrastructure improvements. Adoption of the Specific Plan and certification of the Specific Plan FEIR establishes and defines the planning criteria and necessary mitigation measures that will be used to guide the subsequent stages of the established planning process, when initiated by private developers and public agencies, as follows:

- Annexation
- Tentative Subdivision Map Application
- Land Use and Site Design Review

A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Element of the Plan (Chapter 3).

1.4.1 Relationship of the Fairview Village Specific Plan to The City of Modesto General Plan

The City of Modesto adopted a major revision to the General Plan and certified the Master EIR in August, 1995. The Fairview Village Specific Plan Area is identified in the revised General Plan as one of twenty-six Comprehensive Planning Districts (CPDs), which are designated areas for managed urban growth. The CPDs comprise the Planned Urbanizing Area, one of three Growth Strategy Designations that also includes the City's Redevelopment Area and what is called the Baseline Developed Area, both of which essentially are built out and are identified as locations only for infill type development.

The Planned Urbanizing Area is predominantly "flat, vacant and/or developed with agricultural uses, and minimally if at all served with urban services and infrastructure, including roads." Because it is an area where "substantial urban development" is expected, the General Plan Growth Strategy Diagram establishes that all new development in the CPDs will be planned comprehensively and implemented according to Comprehensive Plan, which are defined as policy documents meant to "create a bridge between general plan policies and individual development proposals." The General Plan recognizes the Specific Plan (defined by Section 65450 of the State Government Code) as a form of Comprehensive Plan that may be used by the City to implement CPDs. In the case of the Fairview CPD, the General Plan proposes the preparation of a Specific Plan to guide development of the identified "Village Residential" land uses.. The Fairview Village Specific Plan for the Fairview CPD has been developed according to the policies outlined in the revised General Plan for land use, housing and public facilities and services.

The Fairview Specific Plan Area is one of five CPDs where development can be approved without necessitating an advisory election, as provided by Section 5353 of the California Elections Code. Annexation of the Plan Area must consider a number of factors which include population density, City boundaries, the need for services, impacts on adjacent areas and agricultural uses, ownership patterns, and consistency with General and Specific Plan policies. Annexation of the Plan Area can be staged to accommodate comprehensive stages of development.

1.4.2 Severability

In the event that any regulation, condition, program, or portion of this Specific Plan is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions. The invalidity of such provisions shall not affect the validity of the remaining provisions of the Specific Plan thereof.

Chapter 2: Fairview Village

This section describes the physical characteristics of Fairview Village and is organized to address the following elements, as required by Specific Plan legislation, and the considerations of the Plan Area:

- Guiding Principles
- Land Use
- Infrastructure

2.1 Guiding Principles

The Fairview Village Specific Plan is based upon a set of guiding principles that have been shown to underlie the most successful residential neighborhoods that are designed to balance requirements for automobile access with those for pedestrian and other modes of access from all points to major community facilities such as schools, parks and neighborhood shopping. The principles that set the Fairview Village Plan concept apart from the single transportation mode, "automobile oriented" suburban subdivisions of recent years are summarized as follows:

- *The Village focuses upon a central neighborhood park and elementary school, easily accessible to each residential area.*
- *The open space, including parks, retention basins, school yards, and street landscaping, is purposefully designed in conjunction with the circulation network to make public green space a significant experience in an otherwise dense urban environment.*
- *The four distinct and identifiable neighborhoods function as a single village.*
- *The basic planning unit is the residential block, with a focus on the neighborhood street as an important social place.*
- *Multi-family residential units are integrated into the mixed-use community center and residential densities are kept as high as feasible within the limits of a changing market.*
- *Large, undeveloped properties in only three major ownerships and a location adjacent to existing roads and utilities is an unusual opportunity for designing public improvements that maximize the civic life of a new residential village and that leaves each property owner as free as possible to make all other improvements without cumbersome guidelines or the need for extensive assessment district funding.*

The principles guiding the Fairview Village Specific Plan are consistent with City of Modesto General Plan urban design principles for "Village" or "Neotraditional" planning that have been adopted to guide development in new residential areas. These "Neotraditional Planning Principles" of the General Plan Land Use Element (III-C-3) are provided below for ease of reference:

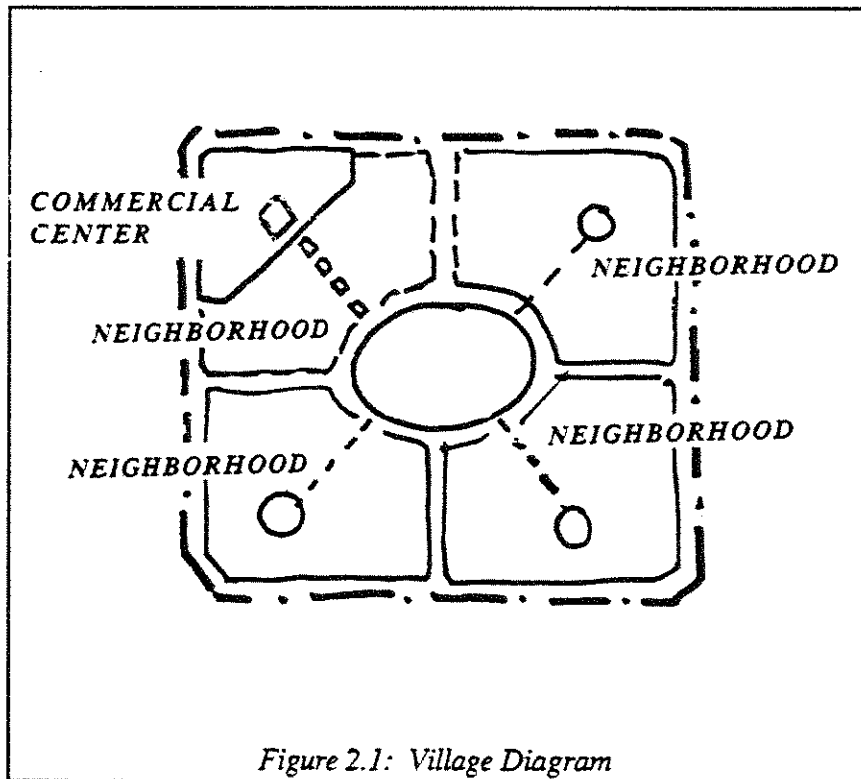
1. Communities or neighborhoods should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other;
2. As many activities as possible should be located within easy walking distance of transit stops;
3. Communities or neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries;
4. Businesses within a community or neighborhood should provide a range of job types for the community's or neighborhood's residents;
5. The location and character of the community or neighborhood should be consistent with a larger transit network;
6. Each community or neighborhood should have a center focus that combines commercial, civic, cultural, and recreational uses;
7. Each community or neighborhood should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design; and
8. Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations; their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting and by discouraging high speed traffic; wherever possible, natural terrain, drainage, and vegetation should be preserved with superior examples contained within parks or greenbelts.

2.2 Land Use

This section of the Specific Plan establishes the general distribution and extent of land uses, including open space, within the Plan Area. It contains the Land Use Diagram and Land Use Designations and conforms to Section 65451 (a) (1) of the California Government Code.

2.2.1 The Village Concept

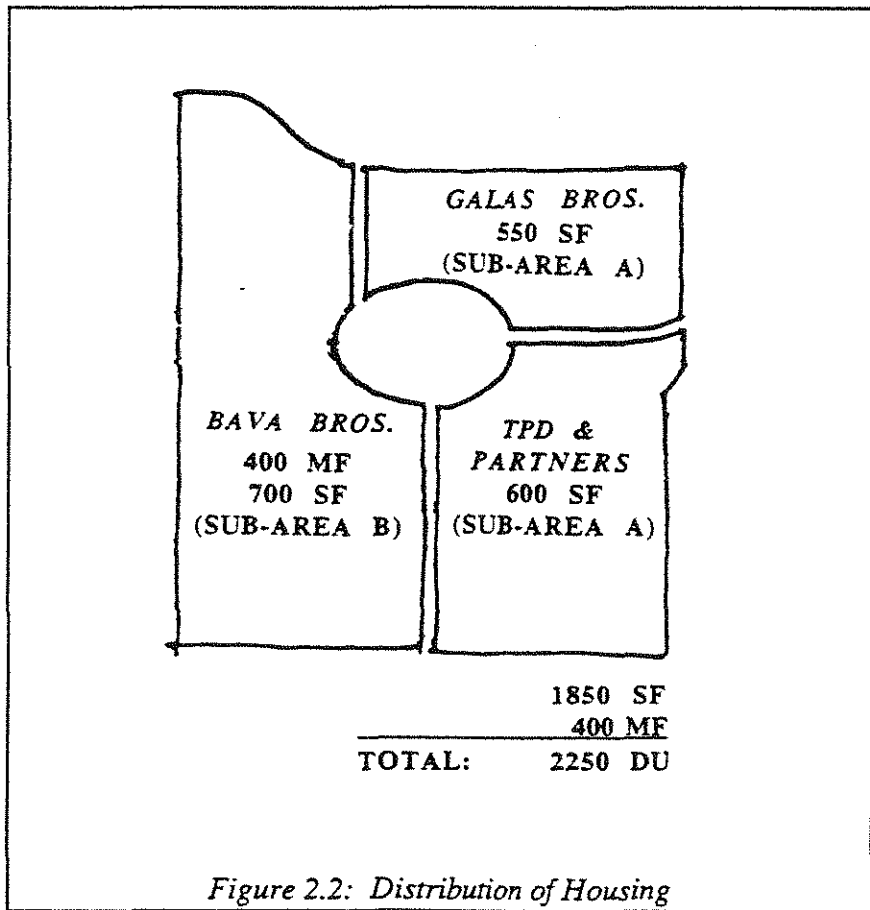
The physical layout of Fairview Village is that of a "traditional urban village" as defined by Clarence Perry and others in the 1930's. The 3/4 mile square Plan Area allows residential development to be located within an approximately 1/4 mile walking distance from a central school and neighborhood park site. A neighborhood serving commercial center, which may include residential development, is located in one of the neighborhoods where it will have visibility from the higher volume roads along the edge of the Village and also be internally accessible to each of the neighborhoods and to the central park and school.



2.2.2 Residential Neighborhoods

The residential areas surrounding the central neighborhood school and park site are visually identifiable as separate, distinctive neighborhoods. The physical identity of neighborhoods as being places where there is opportunity for shared space and social interaction usually is the result of certain predominant characteristics that include topography, street layout and landscaping, lot size and geometry, the depth and landscape character of frontyard setbacks, and, often to a much lesser extent, architecture.

Approximately 1850 single-family units and 400 multi-family units are proposed for Fairview Village neighborhoods, for a total of 2250 residential units. A variety of housing types, design styles and lot sizes for single family units is anticipated as the result of zoning standards that allow higher densities and smaller lot sizes in appropriate locations as well as from phasing that accommodates many different builders over many years. Multi-family housing of various types and design is to be located in and near the village commercial center. The distribution of the single and multi-family units by property ownership and the two Sub-Areas used in the City's EIR is illustrated in the following diagram:



The Fairview Village Specific Plan does not attempt to establish any design guidelines for residential or commercial development beyond that described by zoning and by the overlay standards described in the Land Use Element. Design standards for Fairview Village are concerned primarily with neighborhood form as determined by public infrastructure, including streets and street landscape, and by land use and development intensity. Development increments of 70 to 200 lots are anticipated. Project design will determine neighborhood character along the local residential streets.

The overall goal of the Fairview Village Specific Plan, with respect to affordable housing, is to provide housing opportunities within the Village for people with diverse income levels, as is compatible with the range of market rate housing that is planned. Included in the planned mix and distribution of housing sizes and types will be several which could be used to help implement the objectives of the City of Modesto affordable housing program, as discussed in the Implementation section of the Plan (Chapter 3). Fifteen percent (15%) of the multi-family units would be marketed as affordable.

2.2.3 Commercial Center

Neighborhood serving commercial development is located in the northwest quadrant of the Plan Area where it has high visibility from both Carpenter and Hatch Roads, each of which are "Class C" Expressways. The Fairview Village commercial center is conceived as a pedestrian-friendly neighborhood district designed to have the characteristics of a small-town "main street" or a traditional neighborhood marketplace, including second story apartments over shops where feasible. Live-work space also is encouraged, as is flexible-use office space that could serve nearby residents seeking alternative workspace with low overhead support services such as copy machines, computers and shared support staff services.

Many of the shop entrances in the commercial center will be located facing a Village square, one of the several landscaped drainage basins discussed below in the section on Open Space. Community facilities such as churches, child care centers, and health clubs also are encouraged in the Village commercial center. More intensive forms of residential development are located adjacent to and, where possible, are integrated into the commercial center through mixed-use projects to allow a more urban character for this part of the Village.

The maximum development program for the commercial center is identified as being 108,000 gross square feet of retail space combined with other permitted commercial uses and multi-family housing, both as mixed and single-use development, not to exceed the Plan limit of 400 units.

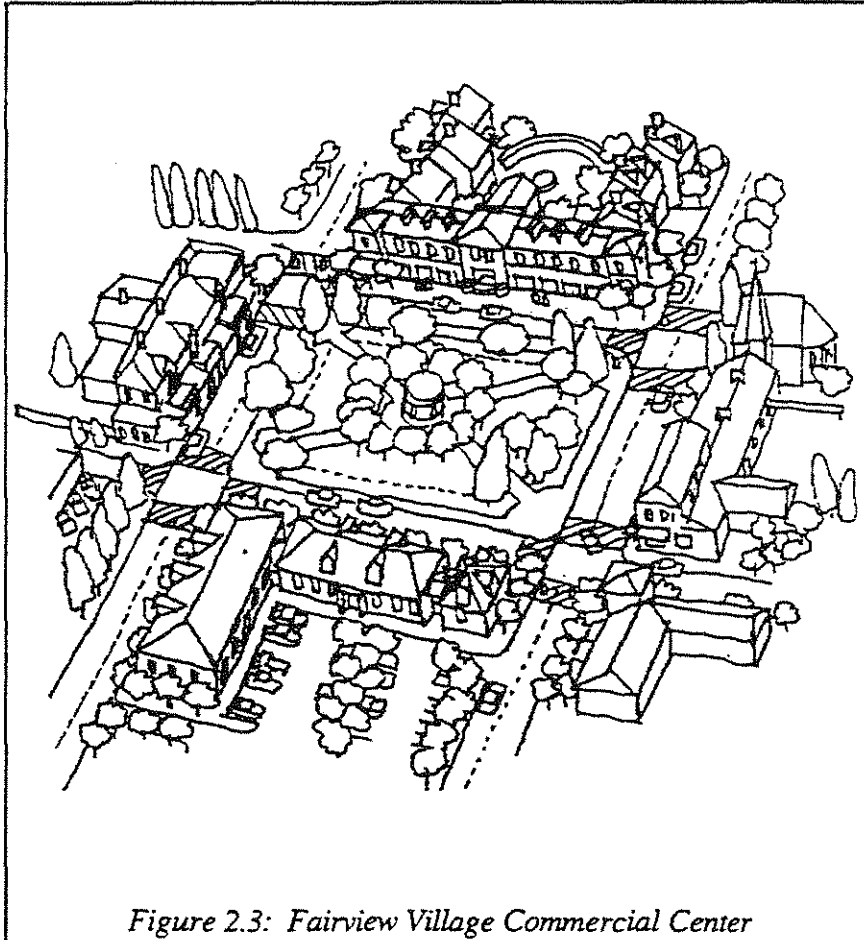


Figure 2.3: Fairview Village Commercial Center

2.2.4 Schools

A new elementary school is located at the center of the Fairview Village Plan Area, which allows it to be equally accessible to each of the residential neighborhoods. The school has a civic function in the community, in addition to its role as a place of education, because it will be used occasionally for public meetings and because many of the parents of the community will be involved in school activities with their children. The new school site also is adjacent to the neighborhood park to allow, as much as possible, a shared use of recreational facilities and to increase the sense of open space for both school and park uses. The new elementary school will be a full-service facility, to be constructed, as required, to serve an identified level of new residential development in the Plan Area and in conformance with the criteria and standards of the Modesto City School District.

An illustrative diagram of a possible site design for the new elementary school and recreational facilities is provided below:

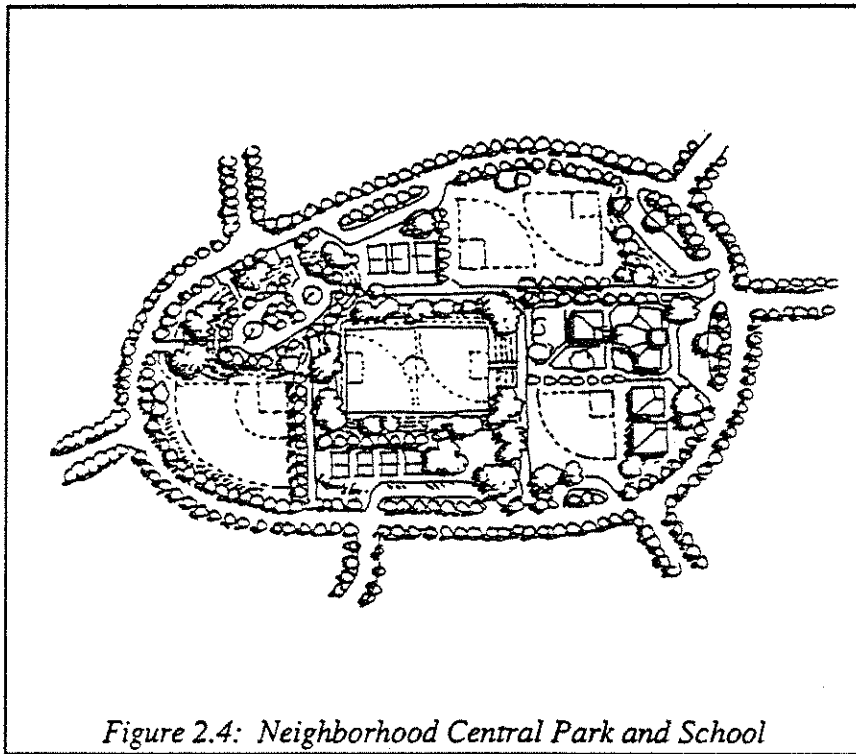


Figure 2.4: Neighborhood Central Park and School

The existing Fairview Elementary School will serve Fairview Village residents in the early phases of development. It also will continue to be an important part of the community dynamic after construction of the new, more centrally located elementary school.

2.2.5 Open Space

Neighborhood Parks

The existing Fairview Park, at the southeast corner of the Plan Area, is 4.65 acres, which includes an easement of 0.52 acres for a future road along its east side. It currently is used by youth athletic groups and the existing Bret Harte neighborhood to the east of the Plan Area. It is to be annexed as part of the Fairview Village Specific Plan Area and will be enhanced and maintained to provide a set of active recreational uses appropriate to its size. It will remain accessible to residents of the Bret Harte neighborhood. It will not be considered in calculating required neighborhood park space for the Plan Area. Covenants for design, construction and maintenance of park improvements are discussed in the Implementation Element of the Specific Plan.

Subsequent development in Fairview Village, as structured by property ownership, will support creation of the new, central neighborhood park, which is adjacent to the new elementary school site as discussed above. The new neighborhood park will be a minimum of 7 acres, which is consistent with the General Plan Park standard for a residential area the size of Fairview Village. In concept, the landscape design may include one or more mounds or small hills that can be seen from other parts of the village and from which one would have views out to the neighborhoods. Park improvements may include both active use playfields and passive recreational use areas such as open expanses of lawn. The final design of the park will be developed in accordance with City and School District standards in conjunction with the development of Sub-Area B (see Figure 2.2, p. 14).

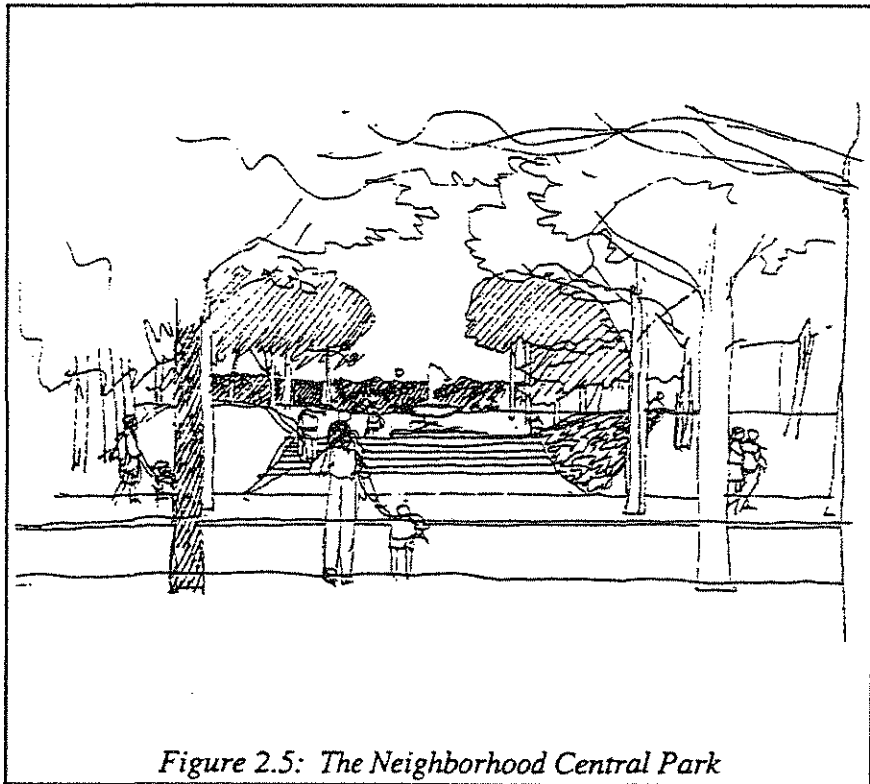


Figure 2.5: The Neighborhood Central Park

River Walk Park

Immediately adjacent to the north edge of the Fairview Village Plan Area and along the south edge of the Tuolumne River is a portion of the 1,780 acre Tuolumne River CPD, which is planned to include a linear river walk park. A portion of this future park is already owned by the Cities of Modesto, Crees, and Stanislaus County under a joint powers agreement. When implemented, the Tuolumne River Park will be a major recreational resource that, given the necessary provisions for access which would need to be developed during its planning and design, could be directly accessible to the residents of Fairview Village.

Street and Drainage Basin Landscape

The connector streets and the stormwater drainage basins located along each of the connectors are another important part of the Plan Area landscaping. As stated above, the overall visual character of the Fairview Village neighborhoods is defined largely by the alignment and landscape character of the entry streets and street adjacent landscape areas. Variations in the final design of the landscaped drainage basins are an opportunity to provide an added level of individuality to each neighborhood area. For example, one of the drainage basins may be an ellipse that is landscaped as an open green, while another may be a tree-filled square defined by connector streets that either intersect at the corners or at the mid-point of the square.

The landscaping along the connectors and in the retention basin areas will be a major aesthetic feature of Fairview Village and will be a primary concern during the final planning and design of each increment of build out. The street and drainage basin landscape becomes a network of green space that conserves energy and that provides a high quality environment for pedestrians, bicyclists and all others who move about through the Village, including motorists. Landscape improvements will be maintained through a Landscape and Lighting (L&L) assessment district, as discussed in the implementation Element of the Plan.

The edge, "Class C" Expressways, Hatch and Carpenter Roads and Whitmore Avenue, which is a Minor Arterial, will be improved along the Fairview Village side, as development occurs, to include a landscaped setback. Along Hatch and Carpenter Roads, well designed soundwalls will be provided to mitigate noise levels, as identified in the General Plan and a high quality landscaping shall be designed to provide a unified edge along the two expressways and to complement and break down the scale the soundwalls, providing visual relief to what would otherwise be their dominant linear character.

Along Whitmore Avenue, the landscape setback shall be designed to provide a consistent, high quality visual identity for the edge of the Plan Area and to screen rear yard fencing for properties along this Minor Arterial. The fencing is anticipated to prevent unwanted access into backyards from Whitmore Avenue. Maintenance of all the landscape setback and soundwall landscaping along the three edge streets also will be maintained through the L&L referenced above.

Utility Easement

Complementary to the landscaped circulation and landscaped drainage basins network is a diagonal, 40 foot sewer easement that is described in detail in the infrastructure section of the Plan. This easement crosses several of the connectors and, if not used as an alignment for a connector street when the tentative subdivision map for this portion of the Plan Area is submitted, is an opportunity for an off-street linear trail and bicycle route. If the connector alignment through the portion of the Specific Plan Area is not along the sewer easement, as shown in the circulation diagram found in the infrastructure section below, a basic level of landscape improvements will be provided for the sewer easement that makes it accessible as a passive recreation area and open space amenity for the Village. Additional improvement projects for the easement, such as for trail and bicycle accesses, are not proposed, but could be provided as discussed in the implementation section of the Plan. Basic maintenance is provided by a Landscape and Lighting (L&L) assessment district.

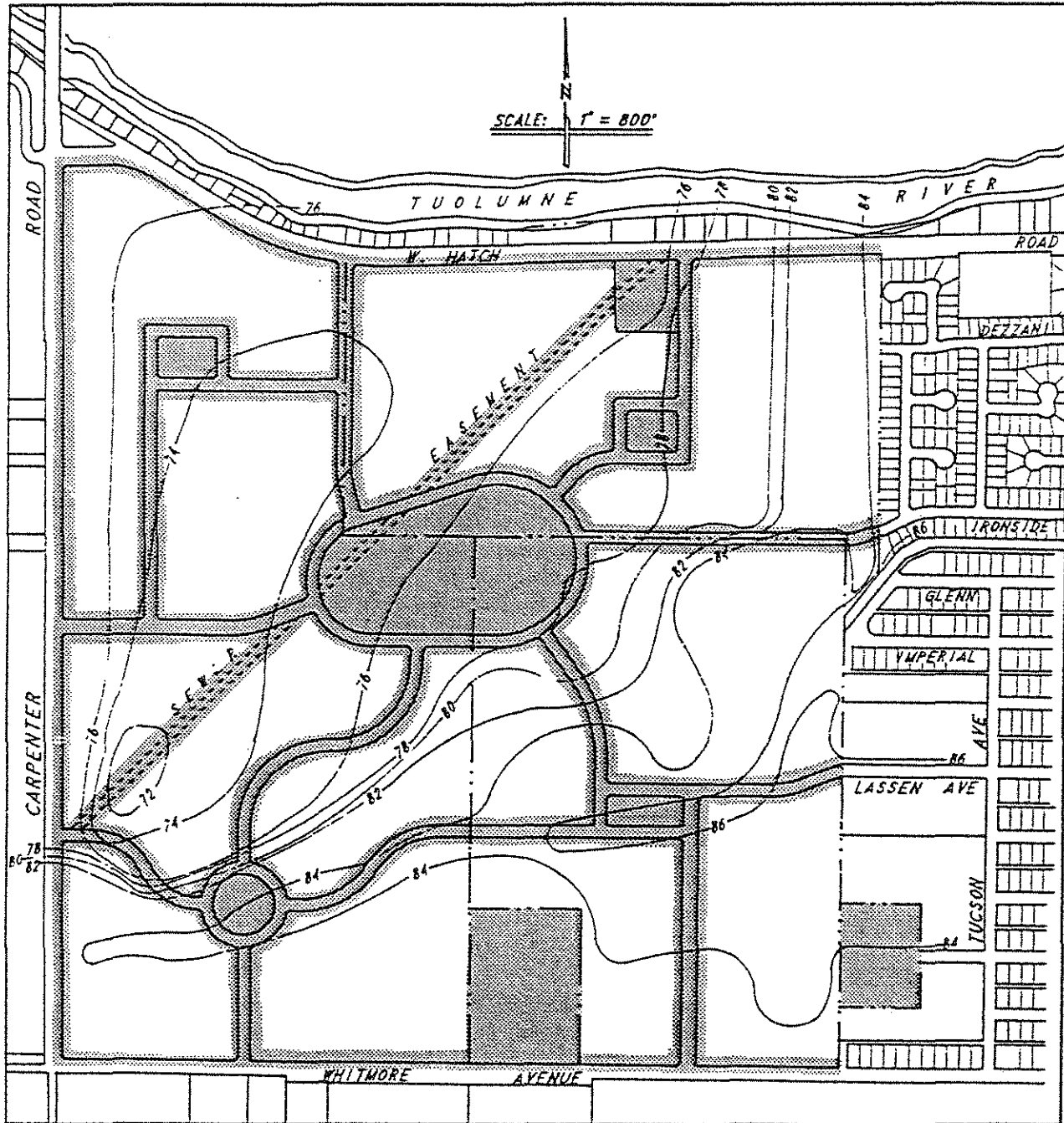


Figure 2.6: Open Space Concept

2.2.6 Land Use Map, Zoning Designations and Area Summary Table

This section of the Specific Plan provides the standards and criteria by which development will proceed in compliance with Section 65451 (a) (3) of the Government Code. The word "diagram" is distinguished from "map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY.GEN.75 (3/7/84), to provide a certain limited degree of flexibility in applying the land use designations to specific parcels.

Land Use Plan Diagram

The following diagram is a graphic illustration of the designated land uses for the Fairview Village Specific Plan Area:

FAIRVIEW VILLAGE SPECIFIC PLAN

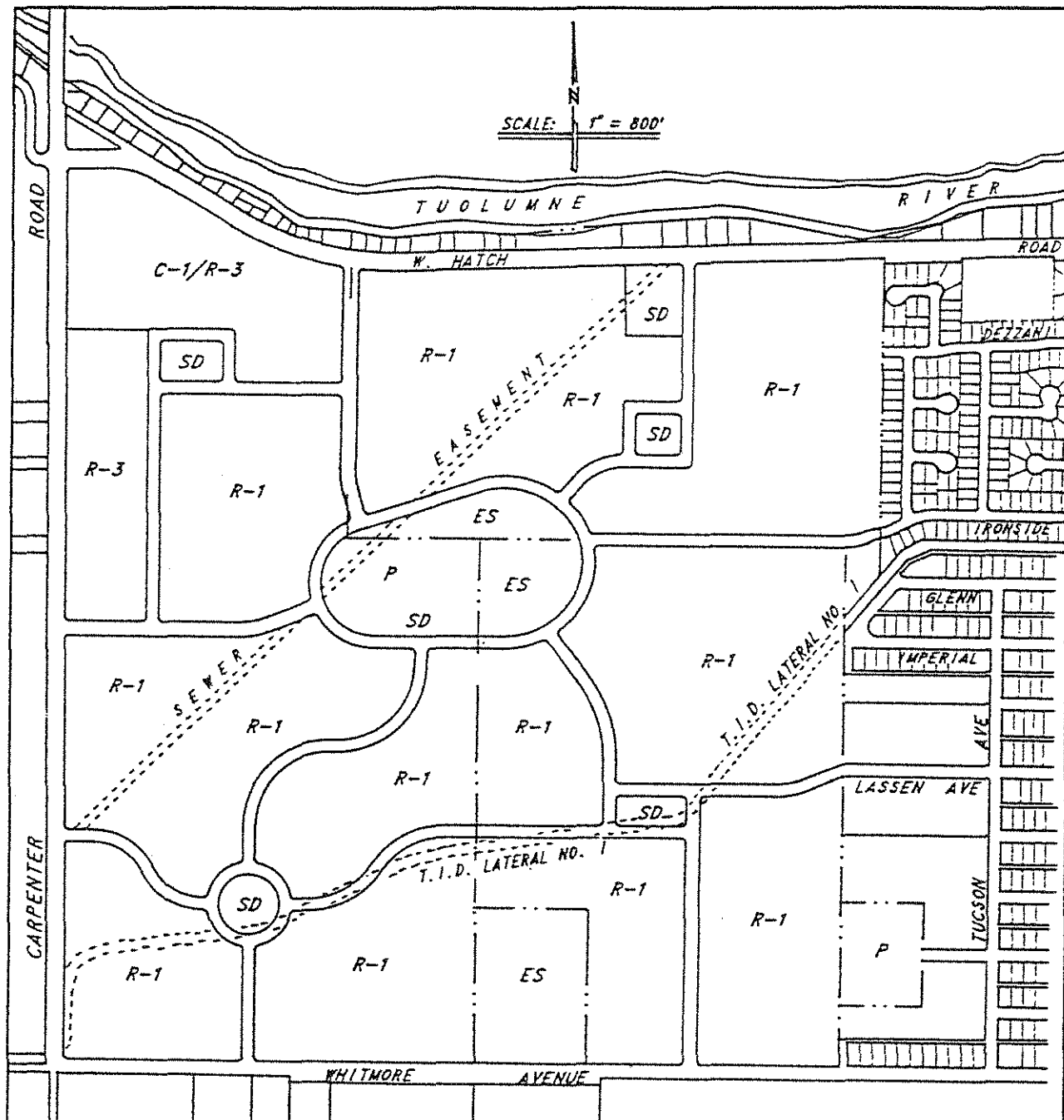


Figure 2.7: Land Use Plan Diagram

Description of Fairview Village Land Use Designations

Land Use designations for the Fairview Village Plan Area use existing City of Modesto Zoning Ordinance classifications, modified through a Specific Plan Overlay Zone, as discussed in the Implementation Element of the Plan. These designations and the applicable Specific Plan Overlay Zone modifications for Fairview Village are described as follows:

Single-family Homes (SP-0, R-1)

The majority of the homes in Fairview Village will be single-family dwellings, generally conforming to the conditions set forth in the Modesto Zoning Code under the R-1 designation. Special Zoning Overlay modifications are identified as follows:

1. The provision under R-1 zoning for corner lots to be developed with two units is further expanded to include conditions where there is rear yard access (alleys) or where there is close adjacency to a park or school;
2. The R-1 Overlay Zone designation allows a PD (Planned Development) application, upon request, for smaller lot single-unit prototypes such as townhomes, patio homes, attached and semi-detached units, and "zero lot-line" and "zipper-lot" development. The objective is to allow higher density, single-family development not in excess of 10 du/net acre in the R-1 neighborhoods, assuming 35% for streets and parcel inefficiencies. Review would be through the City's established PD process.

Multi-Family Homes (SP-0, R-3)

Areas for Multi-family homes, including townhouses and apartment units, are designated where there is convenient access to major bus routes and expressways, and near the Village Commercial Center to promote more diverse types of commercial activity over a longer portion of the day. Densities are proposed to average 20.5 du/net acre, assuming 35% for streets and parcel inefficiencies. Special Zoning Overlay modifications are identified as follows:

1. Single-use R-3 zone location adjacent to the commercial center is not restricted to the area designated on the Zoning Diagram and can be relocated at the property owner's request, to the maximum acreage identified in the Specific Plan, at the time of tentative subdivision map application.

Village Commercial (SP-O, C-1/R-3)

In general, the Commercial Center shall conform to the conditions allowed for C-1, Neighborhood Commercial, districts. Special Zoning Overlay modifications are identified as follows:

1. Additional permitted uses in the C-1 zone include R-3 residential apartments as a secondary, mixed-use;
2. Conditional uses shall include live-work space;
3. Buildings are to be located at the front property line; with staff approval, setbacks may be allowed for outdoor commercial activity such as cafe seating;
4. Commercial frontage should be as continuous as possible to encourage pedestrian access between businesses;
5. Commercial streets shall be landscaped to include well spaced, continuous rows of shade trees along the street edge;
6. Commercial streets should allow two-way traffic and should accommodate curbside or on-street parking;
7. Free standing kiosks for commercial activities are encouraged;
8. Commercial entries and storefronts shall be directly visible from pedestrian sidewalk areas;
9. Storefronts should have clear glass display windows;
10. Required off-street parking areas are to be located at the rear and sides of commercial buildings or in lots that do not separate store entries and display windows from pedestrian sidewalks along the street edge;
11. Larger surface parking areas are to have convenient, evenly spaced pedestrian walkways that provide access to the main shopping street and public square; Surface parking areas are to be well lit and to have a minimum of 30% shade after 5 years of growth;
12. Pedestrian amenities to be provided where appropriate along walkways and public sidewalks include provision for shade and shelter from inclement weather and for high quality lighting;
13. Provisions shall be made in the commercial center for places where people can sit outdoors; and
14. Public telephones and trash receptacles shall be provided and shall be conveniently located.

Parks (SP-O, P)

Two public parks are shown on the Land Use Diagram. Their conceptual use character and design has been discussed in the introductory section on Open Space. By way of summary and definition, and as part of the Special Zoning Overlay classification, their sizes and standards relative to City requirements are as follows:

1. The designated, central neighborhood park area is seven (7) acres, is adjacent to an elementary school; shall be designed to City standards; and is the only park area in the Village to be considered when calculating City park requirements; and
2. Fairview Park is 4.65 gross acres, with an easement of 0.52 acres for a future road along its east side and, as an existing park, shall be defined as a non-school adjacent park with special paved areas for court games and approved free play activities attractive to older children and teens; and shall be designed to City park standards.

Storm Drainage (SP-O, SD)

For purposes of clarification, several areas are identified as SD on the Land Use Diagram and are part of the stormwater drainage infrastructure that is discussed in the subsequent section on infrastructure. As discussed above in the Open Space section on Street and Detention Basin Landscape, these detention basins are located along each of the connector streets and their aesthetic character is extremely important to the overall image of the Village. Consequently, they are to be carefully designed and landscaped. Visually, they are considered integral to an open space network that also includes the connector streets as well as the central neighborhood park and the existing Fairview Park.

The 40 foot underground sewer easement, also discussed in both the Open Space section above and the Infrastructure section below, shall be used either as an alignment for a connector street to serve the northeast neighborhood or for public use at the sole discretion of the property owners. If used as a linear open space, it shall be designed, at a minimum, to provide basic trail access between neighborhoods to the central neighborhood park space.

Elementary Schools (SP-O, ES)

Two areas are designated as school sites. Both are for elementary schools, discussed previously in the section on Schools. The new central neighborhood park facility shall be designed to meet School District standards. By way of summary and definition, school facility site areas and Special Zoning Overlay modifications are provided as follows:

1. The Fairview Elementary School site is 9.63 net acres and, as an existing facility, is considered to meet current standards for site area;
2. The new Fairview Village elementary school site is 10 net acres and, as a community facility located adjacent to the central neighborhood park, is to be designed to take optimum advantage of the opportunities for shared open space while also meeting all current District and State requirements.

Land Use Summary Table

The following Land Use Summary Table provides acreages consistent with those used in the City EIR and distinguishes distribution of the total development program according to Sub-Areas A and B. Please note that the acreage in the Table is approximate and is subject to the qualifications noted by the single or double set of asterisks:

- * Gross acreage is identified in Table 1.1 as 364.2. Acreage in Land Use Summary Table does not include adjacent boundary roadways.
- ** Acreage for individual types of open space is approximate and may vary following final design.

SUB-AREA A		
R-1	<i>Single-Family Residential</i> <i>(1150 du)</i>	170 acres
ES	<i>Elementary Schools</i>	20 acres
OS	<i>Village Open Space</i> <i>(Fairview Park: 4.1 ac)</i> <i>(sewer easement: 1.4 ac **)</i> <i>(connector streets: 16 ac**)</i> <i>(drainage basins: 1.5 ac **)</i>	23 acres
<i>Sub-Total, Sub-Area A</i>		<i>213 acres</i>
SUB-AREA B		
R-1	<i>Single-family Residential</i> <i>(700 du)</i>	82 acres
R-3	<i>Multi-family Residential</i> <i>(total du: 400, to be distributed</i> <i>between the single use R-3 and the</i> <i>mixed-use C-1/R-3 areas)</i>	10 acres
C-1/R-3	<i>Mixed-Use Village Commercial</i> <i>(Total Retail: 108,000 gsf)</i>	18 acres
OS	<i>Village Open Space</i> <i>(Neighborhood Park: 7 ac**)</i> <i>(Sewer Easement: 1.8 ac**)</i> <i>(Connector Streets: 8 ac**)</i> <i>(Drainage Basins: 10.2 ac**)</i>	127 acres
<i>Sub-Total, Sub-Area B</i>		<i>137 acres</i>
TOTAL, PLAN AREA		350 Acres *
<i>(see qualifications to acreage noted in introductory paragraph)</i>		

Table 2.1: Land Use Summary Table

2.3 Infrastructure

This section of the Specific Plan describes public facilities, including community services and infrastructure, needed to support the physical development described in the Land Use Section. Descriptions and proposed improvements conform to the requirements of Section 65451 (a) (2) of the Government Code for transportation (circulation and access), sewage, water, drainage, solid waste disposal, and energy.

2.3.1 Circulation and Access

The street layout for Fairview Village is, in general, a simple, north-south, east-west grid, that connects with a circular, central connector roadway defining a large site for the Village elementary school and neighborhood park. Four connector streets provide access for the neighborhoods and commercial center, which are served by local streets. The residential street alignments will define traditional blocks divided into building lots and are not identified in the Specific Plan as they will be designed as part of the tentative subdivision map application. In concept, the Village Plan for circulation and access is the traditional pattern that defines many older neighborhoods and small towns. For illustrative purposes, a conceptual neighborhood layout for local streets is provided following the circulation and access diagram.

The connectors intersect with the edge, "Class C" Expressways, Hatch and Carpenter Roads, and a Minor Arterial, Whitmore Avenue, at distances of 1/4 mile or greater in accordance with City Public Works standards. Street access to the commercial center is restricted to the connector streets from Carpenter and Hatch Roads. There is no direct access to the commercial center from these two edge expressways. Both Hatch and Carpenter Roads and Whitmore Avenue, will be widened to meet planned future width lines in conjunction with tentative subdivision map approvals, as required by the City Public Works Agency, along the Fairview Village edge.

Connector street intersections with the circular, central connector around the neighborhood and park site are to be located at reasonable intervals that equally distribute access to the community facilities and at points on the curve that do not result in unacceptable intersection geometry. Local residential street intersections with collectors are to be sufficiently well located to allow relatively direct pedestrian routes between neighborhoods and community facilities in the Village, including Fairview central neighborhood park and school and the Village commercial center.

As has been discussed in the section on Open Space, the final design of the landscaped drainage basins that are associated with the connectors may differ somewhat from the representative forms shown on the accompanying circulation and access diagram. In concept, the landscaped drainage basins are to be part of the Village connector network. Whether or not a park basin is round or rectangular and how the connectors intersect with the park basin is a matter to be determined as part of the final design solution submitted.

FAIRVIEW VILLAGE SPECIFIC PLAN

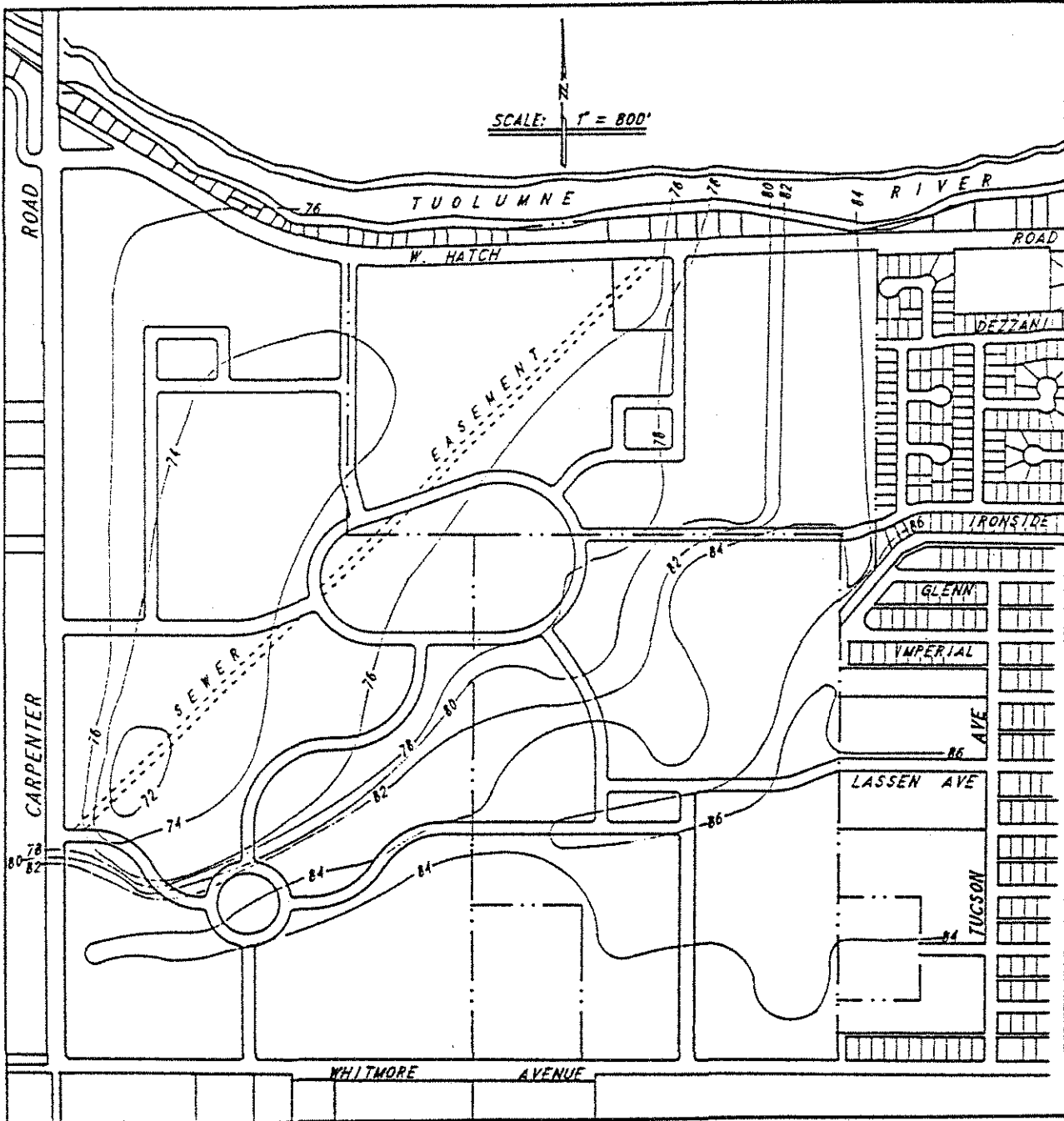


Figure 2.8: Circulation and Access Concept

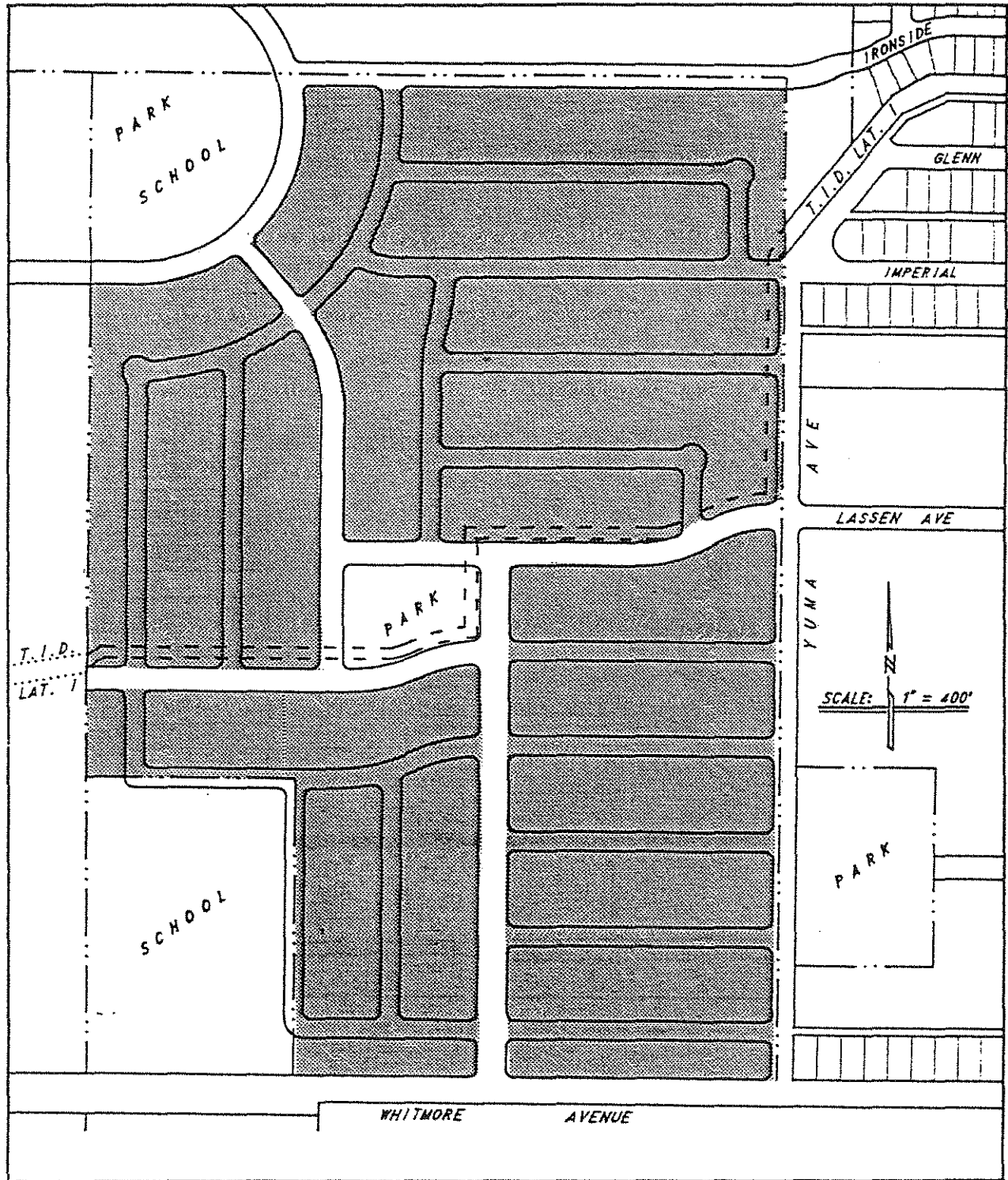


Figure 2.9: Conceptual Neighborhood Layout

Typical street sections for connector streets are illustrated by the accompanying diagrams. Street widths and alignments for neighborhood tentative maps, as well as for connector streets, are designed to encourage low speed traffic and to be friendly places for people as well as for cars. All streets in Fairview Village are amenable for multiple uses, including pedestrian, bicycle, and automobile traffic with the result that they become shared public space connecting individual residences and neighborhoods with the schools, shopping and parks within the overall area of Fairview Village. Special, designated lanes are not necessary in such a village setting.

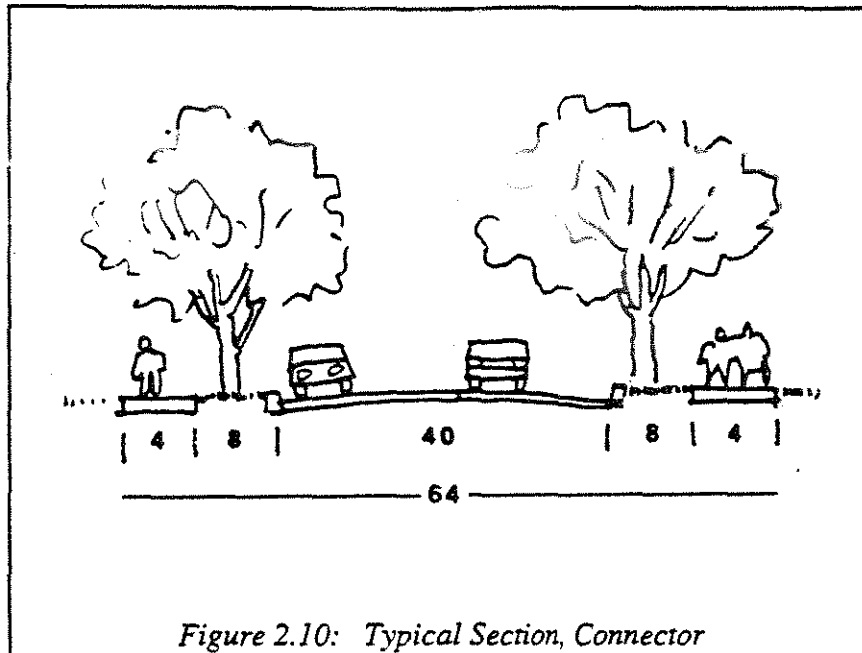


Figure 2.10: Typical Section, Connector

Connectors can accommodate bus routes and the landscape improvements can include locations for bus stops if a decision is made to provide City bus service through the Village. Such service is not currently proposed as part of the Specific Plan. All streets are to be appropriately designed for shared use by pedestrians and bicyclists as well as by cars. Designated on-street bicycle lanes are not considered advisable. Sidewalks along the connector streets are to be separated from the curb edge by landscape strips for trees and other types of planting. All streets are to be designed to allow curb side parking.

2.3.2 Sanitary Sewer

Sanitary sewer service to Fairview Village will be provided by the existing City of Modesto 33 inch diameter South Trunk, located in Ustick Avenue, which runs north under the Tuolumne River to the City of Modesto Waste Water Treatment Plant. Three lines have been extended from the South Trunk line to the easterly boundary of the Plan Area. These lines are described as follows: (1) A 15 inch diameter sub-trunk on Ironside Drive, at flowline elevation 74.45 feet, which will serve most of the Plan Area; (2) A 10 inch diameter sub-trunk on Hatch Road at flow line elevation 72.02 feet, which can serve part of the Plan Area along the Hatch Road frontage, if needed; and (3) A 6 inch diameter lateral on Dezzani Lane at flow line elevation 77.74 feet, which may serve a few lots along the extension of Dezzani Lane. Finally, a City of Modesto 60 inch diameter sanitary sewer force main traverses the Plan Area over the northwesterly corner from northeast to southwest. This force main runs from the Modesto Waste Water Treatment Plant to the remote treatment ponds near the San Joaquin River.

The 15 inch diameter sanitary sewer on Ironside Drive will be extended west to serve new development in Fairview Village. A sanitary sewer lift station will be required to discharge into the existing line. From the lift station, a 15 inch diameter line will be extended west to the street that fronts the proposed central park and elementary school. At this point, the line will split into two 10 inch diameter lines. The northerly 10 inch line will extent 1250 feet to serve the westerly portion of the Galas property and the northwest portion of the Bava property. The southerly 10 inch line will extend 1300 feet to serve the southwest portion of the Bava property. From the ends of the 10 inch lines, 8 inch lines will be extended to Carpenter Road. From the 10 inch lines at the intersection of the north/south connector and the connector that fronts the park and school, 8 inch lines will be extended north to serve the Galas property and south to serve the TPD & Partners property. From the 8 inch lines, 6 inch laterals will be installed to serve the future residential development areas off the connectors.

FAIRVIEW VILLAGE SPECIFIC PLAN

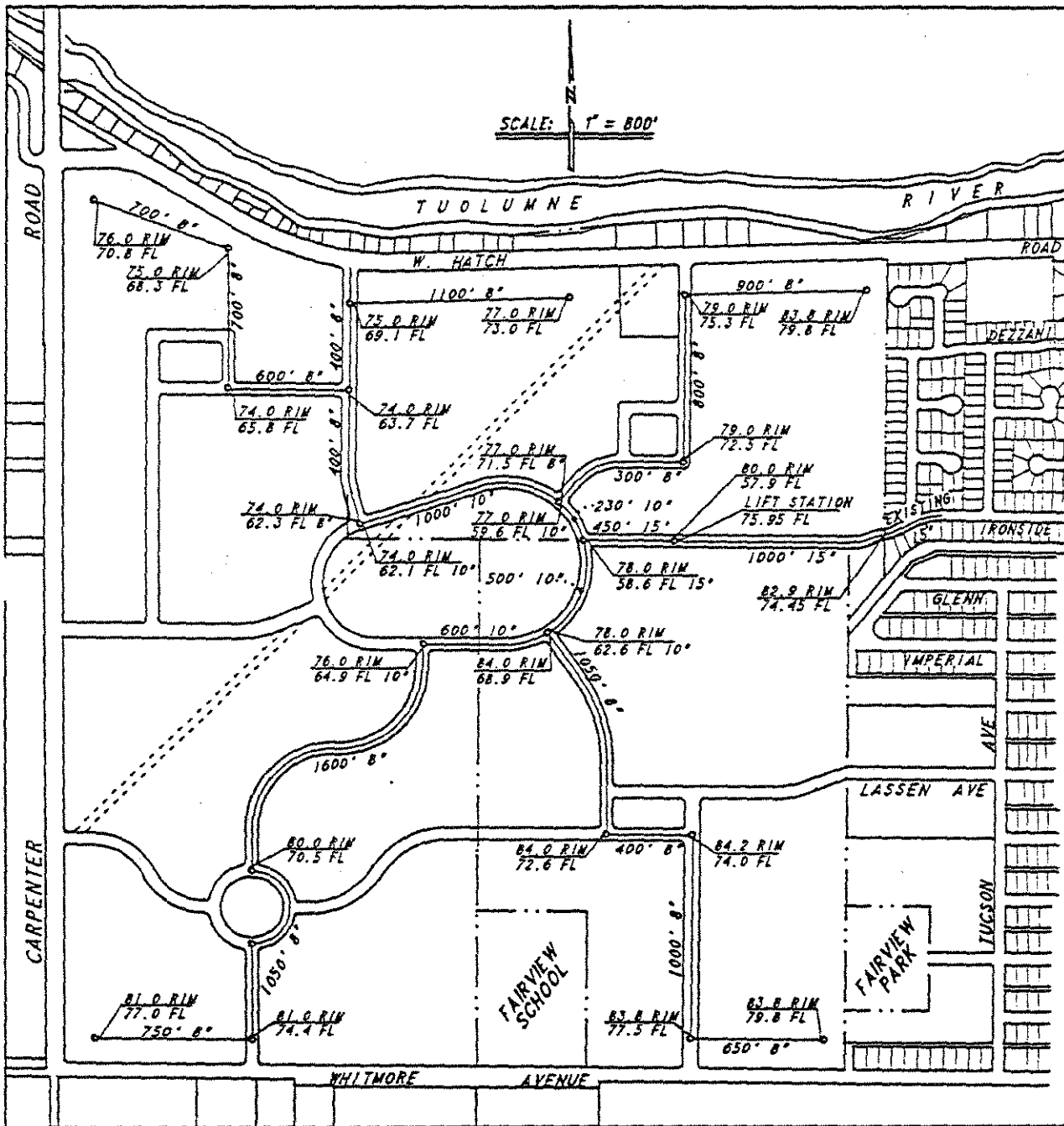


Figure 2.11: Sanitary Sewer Improvements

2.3.3 Stormwater Drainage

Disposal of stormwater runoff will be via the 30 inch diameter Seine Drive Trunk Storm Drain outfall line. This line runs from Ustick Road, east along Hatch Road, then north along Seine. It discharges into the Tuolumne River. An 18 inch diameter stormdrain line has been extended from Ustick Road along Hatch Road to within 340 feet of the northeast corner of the Plan Area at a flow line elevation of 72.45 feet. This line does not have capacity for gravity flow, but can take a metered overflow from the planned detention basins following a storm.

Stormwater runoff will be collected in the landscaped detention basins throughout the Fairview Village Specific Plan Area. Following a storm, runoff will then be discharged into the City of Modesto's existing 18 inch storm drain on Hatch Road. A storm drain lift station will be required, as the area is too low for a gravity flow system.

City standards require storage equivalent to 1 inch of water for the entire site, which is a total of 30 acre feet. Each property will contain half of its runoff on site in a small, local landscaped detention basin and the other half in landscaped detention basins located adjacent to the central neighborhood park. These areas would be designed and landscaped to be visually and functionally part of the park. The centrally located detention basins also could be located adjacent to the school property and/or along the sanitary sewer outfall easement when the system is being designed if such locations prove to be feasible at that time.

The landscaped drainage basins in the northwest, southwest, and southeast portions of the Plan Area will empty by gravity into the basins adjacent to the central, 7 acre neighborhood park. From these central detention basins, stormwater will flow by gravity to the Galas park basin, where it will be pumped to the existing 18 inch diameter, City storm drain. Following a 10 year storm, the system is designed to empty all retention basins within approximately 3 days.

In addition, the Turlock Irrigation District (TID) allows discharge into the TID Lateral No. 1. This possibility is not proposed as part of the stormwater drainage system for Fairview Village, but is discussed as a future possibility if increased capacity becomes a concern. TID policy requires that the runoff be stored first, and then pumped into the irrigation canal after the storm and when there is sufficient capacity in the canal. The rate of discharge must be regulated and an agreement for use of the canal is required with the City of Modesto. In the future, a use fee for pumping water into the canal also may be added. The TID Lateral No. 1 traverses the Plan Area over the southerly one third portion from northeast to southwest and west. It is a concrete lined canal carrying 60 to 70 cubic feet per second (cfs) during the irrigation season, from March to October. It is generally at elevation 86.0 feet and must remain in use to serve agriculture uses in the Plan Area prior to development and to serve other properties to the west of the Plan Area.

FAIRVIEW VILLAGE SPECIFIC PLAN

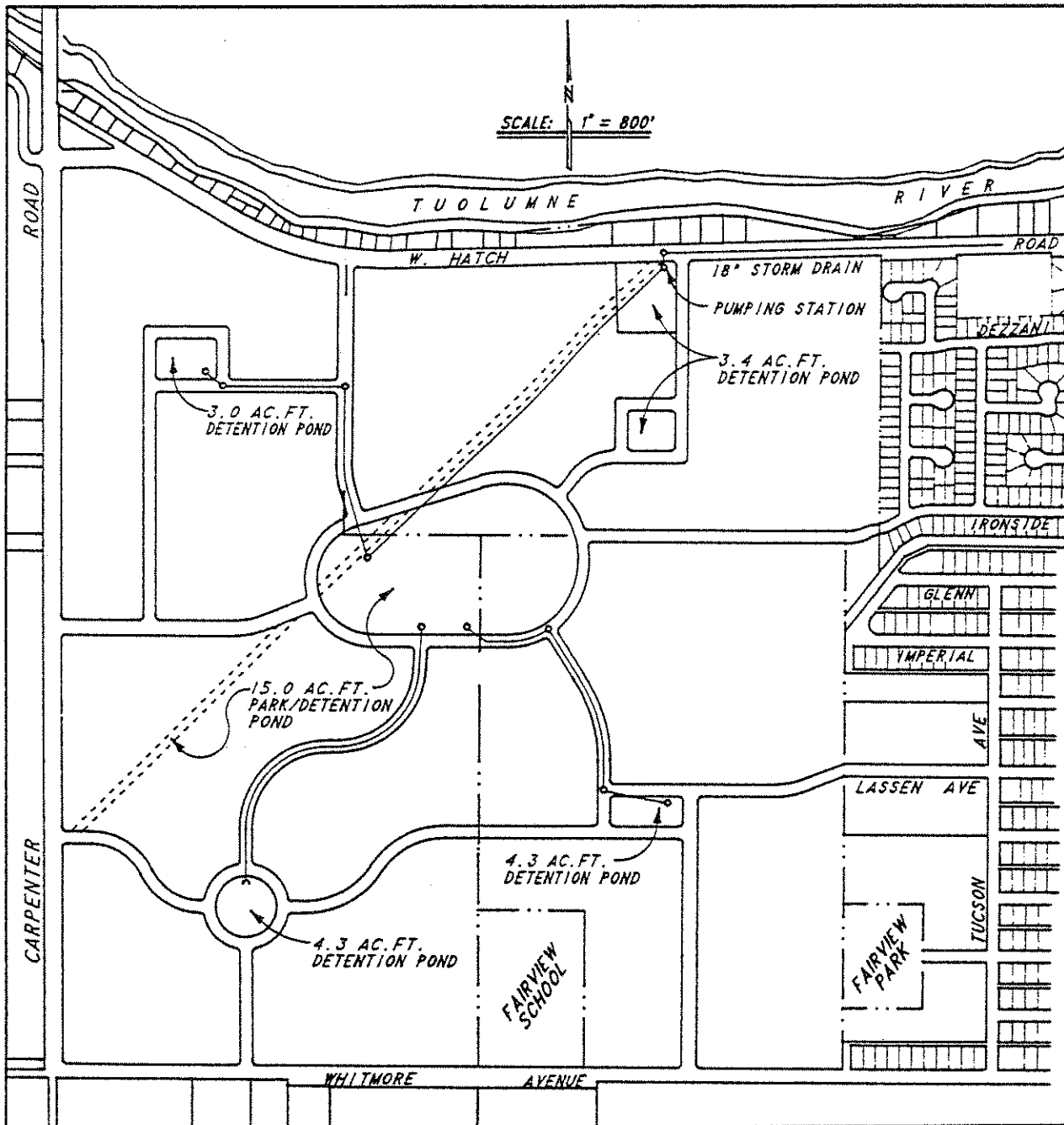


Figure 2.12: Stormdrainage Improvements

2.3.4 Water

The City of Modesto will serve Fairview Village with water. At present, there are 16 inch diameter water mains on Carpenter Road, Whitmore Avenue, and Tucson Avenue. There is a 12 inch diameter water main on Hatch Road. In addition, there are 8 inch diameter water lines stubbed out to the edge of the Plan Area on Ironside Drive and Dezzani Lane from the City's residential development to the east.

Water lines to serve Fairview Village can be installed as development occurs. On the nominal half mile, 12 inch diameter lines will be installed north/south and east/west, beginning and terminating at the existing lines on the boundary streets. On the nominal quarter mile, 8 inch diameter lines will be installed, beginning and terminating at 12 inch and/or 16 inch diameter lines. Finally, 6 inch diameter lines will be installed on all other streets, beginning and terminating at the 8 inch diameter lines.

One offsite, 8 inch diameter line will be installed along the extension of Lassen Avenue from Tucson Avenue, to the east edge of the Plan Area. In accordance with City policy, all lines larger than 10 inches in diameter will be funded by the City. All lines smaller than 10 inches in diameter will be funded by the developer.

FAIRVIEW VILLAGE SPECIFIC PLAN

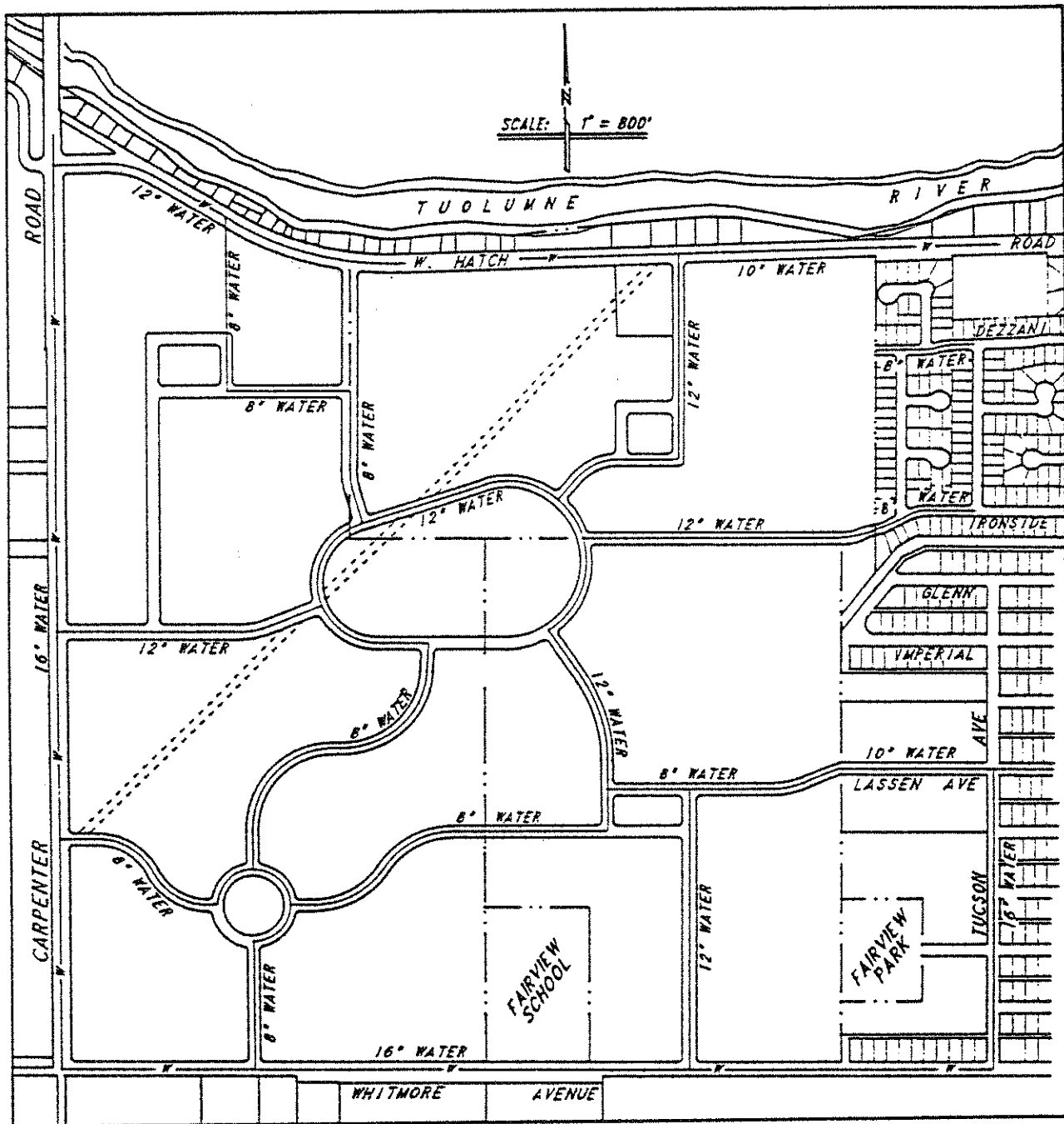


Figure 2.13: Water Service Improvements

2.3.5 Energy

The California Environmental Quality Act identifies energy conservation as a goal in community development. The City of Modesto General Plan establishes policies to mitigate the use of "fuel, water, or energy in a wasteful manner." The Specific Plan conforms to General Plan policies to mitigate adverse impacts to energy conservation by a) requiring the use of large scale shade trees, where feasible and appropriate, in landscape plans for all new development proposals, b) encouraging the Modesto and Turlock Irrigation District to establish and promote a program to provide incentives for increasing the number of shade trees, and c) coordinating with energy conservation plans provided by the Modesto and Turlock Irrigation Districts (for electricity) and by Pacific Gas & Electric (PG&E, for natural gas) on all new, large-scale development proposals in the Plan Area.

2.3.6 Other Utility Services

The Turlock Irrigation District will provide electric services to the Plan Area. Natural gas is provided by PG&E. The telephone provider is Pacific Bell. Cable TV service is available from Post Newsweek.

2.3.7 Schools

The Plan Area is within the Modesto City School District. The middle school is Hanshaw, and the high school attendance area is Downey. There are two elementary schools within Fairview Village, the existing Fairview Elementary School and a proposed new elementary school located in the Fairview Central Park. The new elementary school will be a full-service facility, to be constructed as required by new residential development in the Plan Area and in conformance with the criteria and standards of the school district.

2.3.8 Fire, Police and Other Services

Fire and police services will be provided by the City of Modesto, as will service and maintenance for parks, water, sewer, streets, roads, street lighting, storm drainage, public area landscaping, and general city government services, except as otherwise noted in the Implementation Element of the Plan. Trash disposal is provided by the current franchise holder, Modesto Disposal, a private company.

Chapter 3: Plan Implementation

3.1 Basic Concepts

The most important opportunity represented by the Fairview Village Plan Area is that it is held in only three major property ownerships. A complex implementation program is not required. The Specific Plan is designed so that each owner is made responsible for all of the improvements that are necessary for development of his or her property. In essence, it is a feasible, market driven, "pay-as-you-go" Plan.

Adoption of the Specific Plan establishes a comprehensive set of policies, land uses, infrastructure improvements and development standards for the Plan Area sufficient to guide the subsequent review process for project applications, which is discussed as one part of the implementation program. This procedural aspect of the implementation program may include the following components:

- *Annexation*
- *Tentative Subdivision Maps*
- *Land Use and Development Standards*
- *Amendments to the Specific Plan and Continuing General Plan Conformance*

The second part of the implementation program identifies the responsibilities of the property owners to fund and build the community facilities necessary to allow development of the Plan Area. In summary, each property owner, upon adoption of the Specific Plan, will be bound when seeking development approvals to the following set of agreements:

- *Infrastructure improvements shall be built according to the location, size, capacity and design described in the Specific Plan;*
- *Unrestricted access shall be provided, through easements or dedications, for the construction and maintenance of Specific Plan infrastructure projects by other benefiting property owners;*
- *Reimbursement, where appropriate, shall be paid to or accepted from other property owners for utility infrastructure oversizing or for other extra costs of direct benefit to an owner other than the one making the improvements; and*
- *Each property owner shall be responsible for the costs of all improvements actually shown on a tentative subdivision map application.*

The Fairview Specific Plan provides a sufficient level of direction for public improvement and community facility requirements to guide the subsequent process necessary to review and process developer applications for tentative subdivision maps and development projects. The following sections discuss in more detail the major features of the Specific Plan implementation and conform to the requirements of Section 65451 (b) of the Government Code.

3.2 Submission and Approval of Subsequent Projects

3.2.1 Annexation

The Specific Plan establishes the full nature of the costs to facilitate development of the Plan Area and addresses all factors identified by Section 56841 of the Government Code, as outlined in the City of Modesto General Plan and in conformance with the request for findings by the Stanislaus County Local Agency Formation Commission (LAFCO). In so doing, the Specific Plan clears the way for future annexation of the Plan Area by the City of Modesto.

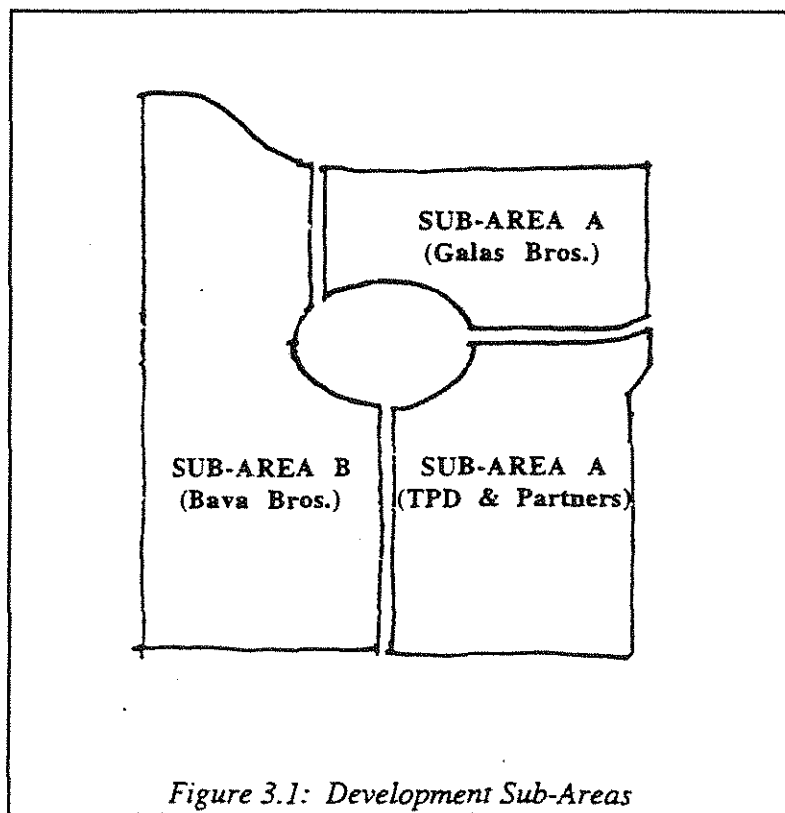


Figure 3.1: Development Sub-Areas

3.2.2 Tentative Subdivision Map Applications

The tentative subdivision map application process is governed by the City of Modesto's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et. seq.). The Tentative subdivision map application shall provide final design of connector and local roads and shall contain a notation for construction of public improvements or a posting of securities for the financing of such improvements.

To be approved, tentative subdivision map applications must conform to the requirements of the Specific Plan and be consistent with any relevant certified mitigation measures identified in the Specific Plan FEIR. Following tentative subdivision map approval, development projects may be submitted for development plan review.

3.2.3 Land Use and Development Standards

As discussed in the Land Use Element, land use and development standards are regulated through the City Zoning Ordinance, as modified by a Specific Plan Overlay Zone. According to Article 19, Sections 10-2.1901-05 of the City of Modesto Zoning Ordinance, existing designations shall be used as the Principal Underlying Zoning, concurrent with a Specific Plan Overlay Zoning (SP-O) to "supplement regulations established by the 'principal underlying zones' with certain uses, standards, and development review processes adopted through the Specific Plan process (Sec. 10-2.1901). The SP-O Overlay Zone is applied concurrently with adoption of the identified "Principal Underlay Zoning" and only on property within the Fairview Specific Plan Area.

The effect of the SP-O Overlay Zone is that "all subsequent development shall comply with the uses, standards, and development review procedures of the underlying principal zone, the SP-O Overlay Zone, and the adopted Specific Plan, including all implementation actions thereof. In the event of a conflict between the uses, standards, and development review processes of the underlying principal zoning (such as R-1, R-2, R-3, C-1, etc.) and those of an adopted Specific Plan, those of the Specific Plan, and its subsequent implementation actions, shall prevail (Sec. 10-2.1904).

3.2.4 Amendments to the Specific Plan

Because of its programmatic nature and as economic conditions dictate, the Specific Plan may require more amendments than other types of plans. The City of Modesto requires the following process for Specific Plan amend.

- Proposals to amend the Specific Plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.
- Documentation of the need for amendments should indicate the economic, social, or technical issues that generate that need. Proposals to amend the Specific Plan also must be accompanied by studies that address such issues as conformance with Specific Plan principles and policies, compatibility with adopted land uses and infrastructure requirements.
- Applications for Specific Plan amendments also must provide an impact analysis for levels and types of development other than or in excess of the maximums addressed in the certified FEIR (Depending on the nature of the amendment, supplemental environmental analysis may be necessary, according to CEQA legislation [section 15162]).
- City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action (Clarification of individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.).
- Both the Planning Commission and City Council must hold public hearings on Specific Plan amendments, in accordance with Section 65453 of the State Government Code.

3.2.5 Relationship of the Specific Plan to the General Plan

The Specific Plan provides for the implementation of General Plan Policies according to adopted "Neotraditional Planning Policies" and conforms to Section 65451 (b) of the Government Code.

3.3 Financing Measures

According to the following spreadsheet, costs for infrastructure improvements necessary to support proposed new development are the responsibility of individual property owners and may include City and/or County fees. In general, fees include both the City's Capital Facilities Fees (CFF), the County's Public Facility Fees (PFF) and an allocated portion of school and building permit fees.

Infrastructure improvements will be constructed in conjunction with new development on a pay-as-you-go basis and, as stated above, and shall be sized according to identified future needs with compensation from property owners who will receive future benefit. Wherever feasible and as determined by negotiation, the Specific Plan property owners may build and dedicate community facilities in lieu of traditional City and County fee service agreements.

Facility Cost and Funding Summary

Facility Type	Total Estimated Cost (1995 Dollars)	Area of Benefit	Existing County Fees	Existing Modesto Fees	School Impact Fee	Mello-Roos District	Storm Sewer District	Site Specific Owner Financing	Property Dedications	L&L Maint. District
Arterial Roads	n/a			x				x	x	
Neighborhood Connectors	n/a							x	x	
Storm Drainage	n/a						x	x	x	
Utility Relocations	n/a							x		
Sewer	n/a							x		
Water	n/a							x		
Parks	n/a			x				x	x	
Public Facilities	n/a									
Lighting & Landscaping	n/a									x
Schools	8,500,000				x	2,000,000		x	x	

3.3.1 Connector Streets and Detention Basins

At the time of the tentative subdivision map application, the necessary connector streets, including landscaping, shall be designed by the developer and dedicated to the proper City agency. At the same time and at the sole discretion of the property owner, the landscaped drainage basins also shall be designed and dedicated to the appropriate City agency as complementary components of the circulation and access network. The property owner/developer shall secure funding for the construction of the landscaped connector streets and detention basins. Maintenance costs for landscape improvements in excess of street trees shall be paid through a Landscape and Lighting (L&L) assessment district, as discussed in a following section of the Implementation Program.

3.3.2 Central Neighborhood Park

The central neighborhood park area shall be dedicated to the City Parks and Recreation Department as part of a tentative subdivision map application by owners of the Bava Brothers' property. The Parks and Recreation Department, in coordination with the School District, will be responsible for the design and construction of all planned improvements. Funding sources and required contributions and fees from the Specific Plan property owners shall be secured as part of the tentative subdivision map application.

3.3.3 Fairview Park

Improvements to the existing Fairview Park, according to City standards and as discussed in the section of the Specific Plan on Open Space, shall be scheduled and funded following its annexation as part of Sub-Area A and as part of the tentative subdivision map application for the adjacent Specific Plan neighborhood. Improvement costs shall be divided between the County and the property owner. The City shall assume maintenance of Fairview Park, through a negotiated transfer of County Service Area (CSA) funds, and with the authority to extend park assessment fees.

3.3.4 New Elementary School

School facilities shall be funded and built through a process whereby property owners who require the facility to initiate tentative subdivision map application shall: a) give land, b) improve the site to School District standards, c) pay for design, engineering, and construction document services, d) pay School District fees, and e) initiate creation of a special assessment district, if required, such as a Mello-Roos. Property owners who seek tentative subdivision map applications following this process shall be required to buy into the existing school district facility through an agreement to be negotiated at the time of the subdivision map application.

3.3.5 Specific Plan Costs

Costs of developing the Specific Plan shall be reimbursed to the property owners who have fronted those costs through plan application fees required from non-contributing property owners. The reimbursement shall be an equal share of the costs of preparing the Specific Plan and environmental documents, including the FEIR, and shall be prepaid upon annexation of the property owner's property. The property owner financing the Specific Plan shall assume responsibility for maintaining accounting records to established City standards. Any disputes which arise shall be resolved through binding arbitration by the American Association of Arbitrators (AAA).

3.3.6 Assessment Districts

Special service assessment districts, as have been discussed in previous sections of the Plan, may be created if required to manage and fund special community improvements and maintenance beyond those typically provided by the City of Modesto. Only two such assessment districts have been identified.

A special Landscape and Lighting (L&L) district would be established to pay for maintenance of the improvements to the connector street sidewalk areas, the landscaped drainage basins, and the utility easement, if it is used as open space. The City will provide for the maintenance of the new central neighborhood park and that cost does not need to be included as part of the L&L district budget. The City can initiate the formation of the L&L when required. Voter approval is not required, but formation of the L&L can be protested. The L&L would be flexible in the sense that it could expand and contract depending on necessary expenditures. Typically, L&L assessments are based on the estimated benefit received, not on the value of the parcel. There is no authority to issue bonds (secured by liens against property) in order to finance the improvements up front, and assessment revenues may only be accrued for a specified period of time, such as up to five years. It is possible, however, to issue assessment notes, secured by annual collection of revenues, to finance the improvements up front. According to City policy, the Fairview Specific Plan Area shall receive standard landscape and lighting maintenance services from the City, to the level that they do not diminish service capabilities to other parts of the City. The Plan Area L&L would supplement those services and would be managed through the appropriate City department, such as Public Works.

A Mello-Roos district may be established to assist implementation of the new elementary school facility. The City can initiate formation of a Mello-Roos district, but voter approval from two-thirds of the registered voters residing in the Mello-Roos district is required. If there are fewer than twelve registered voters (e.g. in an undeveloped area), approval must be obtained by two-thirds of the property owners in the district. In addition to financing construction costs and bond issuance costs, Mello-Roos can be used to finance furniture, fixtures, equipment and operating and maintenance expenses as well as legal and financial consulting costs associated with establishing the district. Formation of a Mello-Roos district involves the issuance of tax exempt bonds. Debt service on the bonds is repaid from a special tax levied annually on property owners within the district. Because it is a tax rather than an assessment, there is no requirement that the tax be tied to the benefit received.

3.3.7 Affordable Housing Contribution

Several components of the City's General Plan Housing Program on affordability are feasible for possible implementation in Fairview Village, including some of the first-time homebuyer assistance programs. Also, the opportunities for second units in R-1 areas may result in "second accessory units," a type of housing that meets affordable housing criteria. To encourage production of such units, development fees will be reduced significantly for lots smaller than 5,000 square feet or with second units on corner lots or where there is automobile access to the rear of the lot through alleys. Where required, as discussed in the Land Use Element, developer fees of \$0.80 per square foot for floor areas exceeding 800 square feet shall be applied to a Housing Trust Fund Equity Sharing Program to assist in providing affordable housing in the City.

General Plan housing policies implemented by the Specific Plan include an increased supply of entry level or "step-up" housing, sale and rental practices that support equal opportunity for ownership and that follow established fair housing practices, a process that seeks to remove procedural constraints to housing production, and construction that meets energy conservation requirements.

Approximately 400 multi-family units are planned to be build by the completion of construction for Fairview Village. Of these, 15% or approximately 60 units are proposed to be marketed as affordable according to the City of Modesto's "affordable housing" affordable housing requirements of the General Plan.

Finally, given the number of new housing units being planned, some individual developers may be in a position that requires them to contribute to a City-wide funding pool to provide affordable housing a designated sites. Developers building more than four units of single-family housing will be required to contribute a fee based on the size of the units to a Housing Trust Fund Equity Sharing Program, as established by the General Plan Housing Element policy (TV-F.15).

Exhibit 2

Changes Recommended by the Planning Commission
Fairview Village Specific Plan
Exhibit 2 to City Council Resolution No. 95-585
December 12, 1995

This document presents 15 changes to the Draft Specific Plan, dated September 18, 1995. Each one of these changes represents the Planning Commission's recommendations to the City Council, as adopted at the November 27, 1995, Planning Commission hearing.

CHANGE #1

- a) Recommended Change: Remove Fairview Park from consideration as a City park and from the annexation proposal.
- b) Page References: p.7, Table 1.1, Figure 1.3, p. 17, p. 18, p. 20, p. 22, p. 25, p. 27
(There may be more).
- c) Reason: Fairview Park, as an existing County park, is currently managed by the County. The Fairview Village residents will be more inclined to use the Central Park.

CHANGE #2

- a) Recommended Change: Remove all references to "River Walk Park."
- b) Page Reference: p. 18.
- c) Reason: River Walk is a long-term, future project, outside of the Specific Plan. Most of Fairview Village will be developed long before the River Walk.

CHANGE #3

- a) Recommended Change: The sanitary sewer easement is not an appropriate location for a collector street. Remove references which present this as an option.
- b) Page Reference: p. 19, 25.
- c) Reason: A diagonal collector street along the sewer alignment serves little useful purpose and is in conflict with the Land Use Diagram.

CHANGE #4

- a) Recommended Change: Correct minor typos, miscellaneous changes.
- b) Page References:
 - p. 19, last ¶ - "scale of the soundwalls
 - p. 42, first ¶ - "amendments."
 - p. 6, Aerial photo does not xerox well; it could be dropped.
 - pp. 20, 29, 33, 35 - Show T.I.D. lateral on Graphics.
- c) Reason: Clarity.

CHANGE #5

- a) Recommended Change: Clarify status of "Overlay Zoning" and "Principal Underlying Zoning". Overlay Zoning is SP-O, which as an ordinance, needs adoption (and amendment) by City Council after review by Planning Commission.
- b) Page Reference: pp. 23-24.
- c) Reason: "Principal Underlying Zoning" is not zoning in the traditional sense, (i.e., part of the Municipal code) but rather development regulations such as setbacks, etc. Staff supports more flexibility in the development process, allowing revisions to the principal underlying zoning to be accomplished through Planning Commission action without requiring City Council approval of a zone change.

CHANGE #6

- a) Recommended Change: Three changes to clarify residential densities:
 - 1. For R-1 area, delete the words indicated:
"not in excess of 10 du/net acre in the R-1 neighborhoods, ~~assuming 35% for streets and parcel inefficiencies.~~"
 - 2. For R-3 area; delete and add, the words indicated:
"Densities are proposed to average ~~20-5~~ 20-25 du/net acre, assuming 35% for streets and parcel inefficiencies."

~~3. For R-3 area, delete the following sentence:
"1. Single use R-3 Zone location adjacent to the commercial center is not restricted to the area designated on the Zoning Diagram and can be relocated at the property owner's request, to the maximum acreage identified in the Specific Plan, at the time of tentative subdivision map application."~~

b) Page Reference: page 23.

c) Reason: For the first two changes, the reference to "net densities" is sufficient. Special Zoning Overlay modification #1 (the last sentence on page 23) should be deleted because staff believes that revisions to the Land Use Diagram involving the placement of multi-family uses should require a Specific Plan Amendment (P/C and C/C approval).

CHANGE #7

a) Recommended Change: Two changes to Village Commercial designation:

1. Principal underlying zoning should be "C-1", not "C-1/R-3."
2. Add a 15th Special Zoning Overlay modification: "15. Plot Plan approval (Article 27 of the Zoning Code) by the Planning Commission shall be required prior to any development in the C-1 Principal Underlying Zone."

b) Page Reference: page 24.

c) Reason:

1. Special Zoning Overlay modification #1 already allows multi-family uses; the "C-1/R-3" nomenclature would be too confusing.
2. The overall design of the Village Commercial Center is very important to the City. Requiring Planning Commission approval ensures adequate review with a minimum of processing time.

CHANGE #8

a) Recommended Change: Two changes with regard to circulation within Fairview Village:

A. Appropriate Right-of-Way

Connector streets should be designed using following right of way standards:

a) For circular "loop" street around the central park/open space:

70' ROW (includes parking and bicycle lanes)

b) For Connector streets indicated on Figure 4-1 as requiring a bicycle lane, but not having parking:

56' ROW (where residential access is restricted, parking would not be provided)

c) All other connector streets:

60' ROW (where residential access is allowed, parking would be allowed, and bike lanes would not be required)

B. Residential Access to Connector Streets

With regard to Residential Access to Connector Streets (i.e. driveways from single family houses taking direct access to Connectors), the following three policies should be incorporated into the Specific Plan:

1. General Policy on Access to Connectors

Connector streets, which provide significant access from the interior of the project to the arterial streets or the periphery of Fairview Village, should be designed such that vehicular access, at safe speeds, is not unduly impeded. In general, those most significant Connector Streets, as determined by the Public Works and Transportation Director, should be located and designed in such a way that residential lots do not take direct driveway access onto those connectors.

2. Policy on Access to Primary Connector Streets

Prior to submittal of the first tentative subdivision map in Subarea A, the project applicant shall identify, to the satisfaction of the Public Works and Transportation Director, those Primary Connector Streets which are most significant (based on projected Traffic Volumes) to the provision of primary access to and within Fairview Village. These Primary Connectors shall therein be restricted from future residential driveway access, unless there are compelling reasons for allowing such access. This is presumed to be the situation for streets with more than 3000 vpd.

3. Policy on Access to Secondary Connector Streets

Streets, termed Secondary Connectors, may be allowed residential driveway access on a case-by-case basis. The Public Works and Transportation Director may allow residential driveway access to Secondary Connectors, unless said access presents unique safety or congestion problems. For streets with projected volumes less than 1750 vehicle pers day, driveways should generally be allowed. For streets between 1750 and 3000, vpd each situation will be studied specifically to determine the appropriateness of restricted driveways or use of other measures.

b) Page references: pp. 28, 31.

c) Reason: The Public Works and Transportation Department extensively examined various right-of-way options through the recent Village One Specific Plan Amendment #7. Public Works and Transportation has examined unique conditions in Fairview Village, and believes that these are appropriate widths for Connector Street rights of way in Fairview Village.

CHANGE #9

- a) Recommended Change: All single family units (greater than 800 s.f.) have to pay the affordable housing fee. Therefore, delete certain words as indicated in the following sentence:

"Developers building ~~more than four units of~~ single-family housing will be required to contribute a fee based on the size of the units to a Housing Trust Fund Equity Sharing Program, as established by the General Plan Housing Element Policy (IV-F.15)."

- b) Page Reference: page 48, last paragraph.
- c) Reason: Consistency with Village One and Pelandale/Snyder Specific Plans. There is no exemption in those Specific Plans for four or fewer housing units.

CHANGE #10

- a) Recommended Change: Two changes to the Central Park:
1. A minimum of seven (7) acres of parkland is required in Fairview Village. There are a number of ways to achieve this requirement. One way would be to change the land use plan to accomodate 3.5 acres of neighborhood parkland within Sub-Area A, and 3.5 acres of neighborhood parkland within Sub-area B. At the present time, the intent for Subarea A would be to locate approximately 2.5 acres adjacent to existing Fairview Park, and the remaining 1 acre to be located in the Central Park. In any event, the Specific Plan shall specify that the exact details of the location of the parkland shall be determined definitively prior to the approval of the first tentative subdivision map within the Fairview Village Specific Plan area. It will be made clear that school property or drainage basins do not count toward these acreage requirements for neighborhood parkland
 2. Storm Drainage Basin shall not be used to meet minimum park standards.
- b) Page References: Throughout the Plan.

- c) Reason: The Bava Agricultural Preserve and other state law restrictions severely limit the City's ability to establish a park in Subarea B, for the first 10 or more years of development of this project. This change allows significant flexibility for the location of the parkland. The location would not need to be determined until subdivision activity commences.

CHANGE #11

- a) Recommended Change: Develop a new policy providing for "Odor Easements", or other mechanisms satisfactory to the City Attorney, to be applied to new residential subdivisions in Fairview Village to achieve the goals of providing for future operations and the continuance of present operations of the City's Wastewater Treatment Plant, located immediately northeast of this project.
- b) Page Reference: Applicant's option, but probably pages 23, 24, 32, and 41.
- c) Reason: The General Plan anticipated this potential land use issue. The anticipated method of implementing this proposed policy would be public disclosure requirements similar to "Avigation Easements and Non-Suit Covenants", used around the Airport, and public notices required by the County for residential subdivisions near existing agriculture.

CHANGE #12 - STORM DRAINAGE

- a) Recommended Change: Six technical changes to the discussion on Storm Drainage:
1. Landscaping including trees, will be allowed in the drainage basins only if appropriate to the technical operating characteristics of the drainage basins. The cost of landscape maintenance of the basins needs to be included as part of the landscaping and lighting district (p. 19, first ¶).

2. Storm drainage basins are not permitted over sewer easements (p. 22, p. 34 - 3rd ¶, p. 35).
3. The use of the sewer easement and drainage basins must be subject to approval by the City, not at "sole discretion of the property owners" (pp. 25 and 45).
4. Drainage basins in sub-areas A and B need to be sized to handle storm water run-off generated in each area. If sub-area B develops first, then sufficient pond capacity needs to be available to handle storm water run-off from that area (p. 34).
5. The retention basins shall hold runoff for 24 hours prior to discharge (p. 34, 4th ¶).
6. The "storm sewer district" proposed on the Facility Cost and Funding Summary is very unusual. Public Works needs more details if the applicant intends to pursue this approach.(p. 44).

b) Page Reference: Stated above.

c) Reason: Technical reasons, as presented by Public Works, Utility Division.

CHANGE #13 - SANITARY SEWER

a) Recommended Change: Three technical changes to the discussion on Sanitary Sewer:

1. It needs to be noted that the City intends to install a second 60 inch pressure pipeline, east of the existing 60 inch force main. The existing pipeline is not Available to serve Fairview Village (p. 32, 1st ¶).
2. Storm drainage basins are not allowed over sewer lines, per Change #12.
3. Six-inch sewer laterals permitted in cul-de-sacs only. All other lines will be 8 inch diameter (p. 32, 2nd ¶)

b) Page Reference: See above.

c) Reason: Technical reasons, as presented by Public Works, Utilities Division.

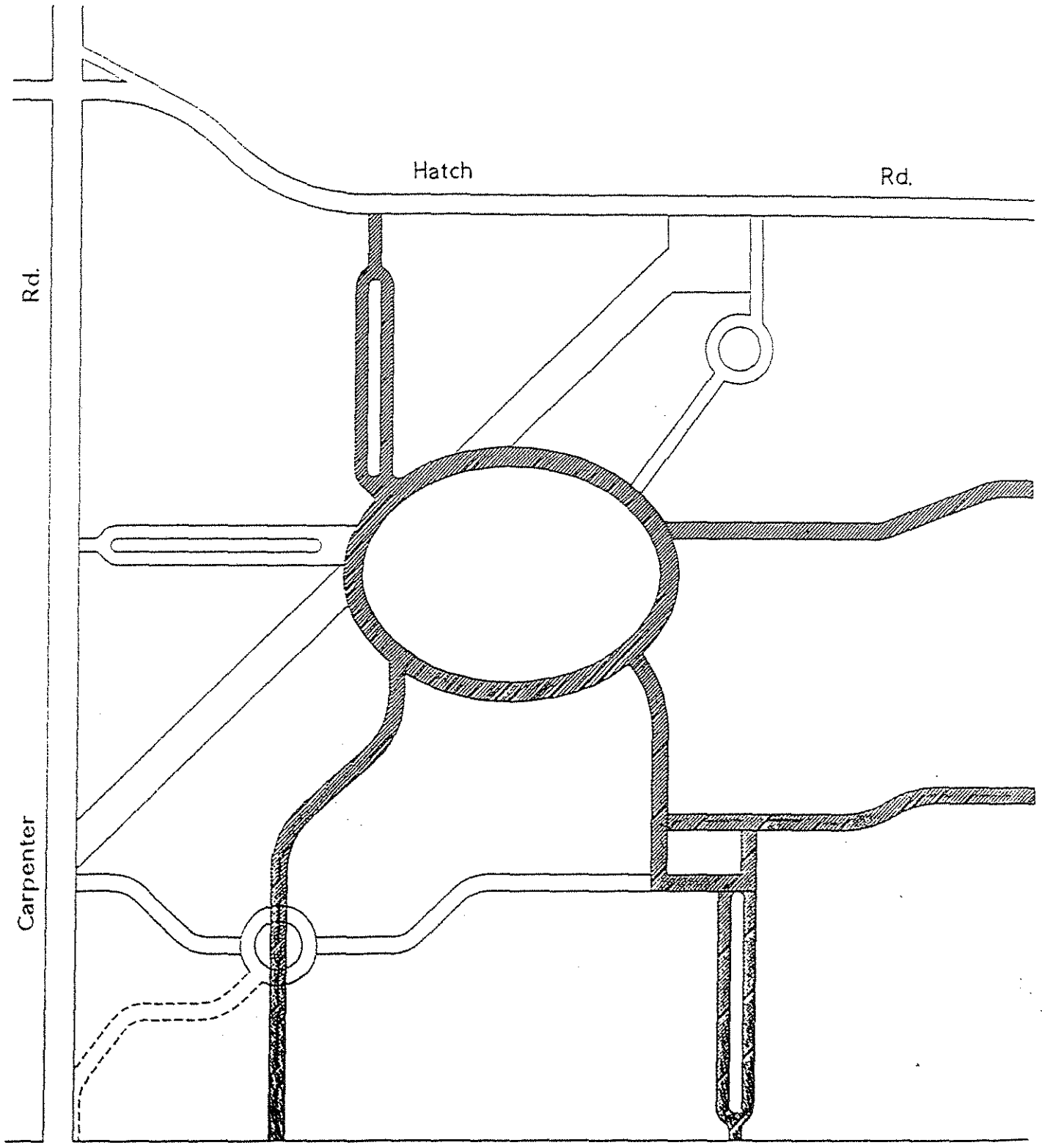
CHANGE #14 - WATER

- a) Recommended Change: Public Works indicates a need to locate a well site near Whitmore and Carpenter. Also, "looping" of water lines shall be provided for Subarea "A" to avoid any "dead end" lines.
- b) Page Reference: p. 36, 37.
- c) Reason: Technical reasons, as presented by Public Works, Utilities Division.

CHANGE #15

- a) Recommended Change: Incorporate Mitigation Measures from the Focused EIR into the Specific Plan text.
- b) Page Reference: Applicant's choice, throughout the document.
- c) Reason: Incorporating the Mitigation Measures directly into the Specific Plan is consistent with the Mitigation Monitoring requirements of CEQA.

Figure 4-1



Rd.

Hatch

Rd.

Carpenter

Whitmore

Ave.



Connector Roadways with
bike lanes



North

MODESTO CITY COUNCIL
RESOLUTION NO. 95-586

A RESOLUTION OF APPLICATION BY THE COUNCIL OF
THE CITY OF MODESTO REQUESTING THE LOCAL
AGENCY FORMATION COMMISSION TO TAKE
PROCEEDINGS FOR FAIRVIEW VILLAGE
REORGANIZATION TO THE CITY OF MODESTO.
(COUNCIL INITIATED - UNINHABITED)

WHEREAS, certain property owners have requested the
City to apply on their behalf to the Stanislaus County Local
Agency Formation Commission for a reorganization, and

WHEREAS, the Council of the City of Modesto desires to
initiate proceedings pursuant to the Cortese-Knox Local
Government Reorganization Act of 1985, Division 3, commencing
with Section 56000 of the California Government Code, for the
Fairview Village Reorganization to the City of Modesto, and

WHEREAS, notice of intent to adopt this resolution of
application has not been given to each interested and each
subject agency, and

WHEREAS, the territory proposed to be annexed is
uninhabited, and because of the presence of an Agricultural
Preserve on Subarea (B), Bava properties, the application is for
the annexation only of Subarea (A) at this time, and since the
property to be annexed must be contiguous to the existing City
limits, 16 parcels located on the north side of Hatch Road need
to be included in the annexation, a description of the boundaries
of the territory is set forth in Exhibit "A", entitled Fairview
Village Annexation (A), attached hereto and by this reference
incorporated herein, and

WHEREAS, the area proposed to be annexed is within the sphere of influence of the City of Modesto, as adopted on December 19, 1994, 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 Industrial Fire Protection District; and
- (c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Fairview Village Reorganization to the City of Modesto is as follows:

The requested reorganization is required by public convenience or necessity because the Fairview Comprehensive Planning District is consistent with the City of Modesto Urban Area General Plan.

The requested reorganization will result in an orderly planned use of land resources because the proposed Fairview Village Specific Plan implements a Community Growth Policy of the general Plan to provide sufficient land supply, namely; it promotes the expansion of the Modesto Urban Area towards the west to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the west side of Modesto.

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "B" attached hereto and by this reference incorporated herein, and

WHEREAS, the Modesto Community Development Department, Development Services Division, shall be the chief petitioner,

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 Fairview Village Specific Plan, adopted by the Council of the City of Modesto on December 12, 1995.

2. That this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the reorganization of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency formation Commission, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused Environmental Impact Report, LAFCO's deliberations on this Reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the executive officer of the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with the Fairview Village Reorganization.

The foregoing resolution was introduced at a regular

meeting of the Council of the City of Modesto held on the 12th
day of December, 1995, by Councilmember Cogdill,
who moved its adoption, which motion being duly seconded by
Councilmember McKinsey, was upon roll call carried and
the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McKinsey
Mayor Lang

NOES: Councilmembers: McClanahan

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Attachment 7

PROPOSED ANNEXATION MAP

FAIRVIEW VILLAGE REORGANIZATION
TO THE CITY OF MODESTO, CALIFORNIA

DESCRIPTION

All that certain real property situate in portions of Sections 7 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of Lot 30, Block 9210, of "California Glen" according to the Official Map thereof filed for record in Volume 35 of Maps, Page 49, Stanislaus County Records, being on the west line of the "Hatch Road No. 5 Reorganization" to the City of Modesto; thence southerly along the west line of said "California Glen", being also said west line of the "Hatch Road No. 5 Reorganization", the following 2 courses:

1. South 0°19'10" West 1350.01 feet, and
2. South 0°17'22" West 189.96 feet to the northwesterly line of 50 foot wide Turlock Irrigation District Lateral No. 1;

thence South 48°33'38" East along said west line of the "Hatch Road No. 5 Reorganization" a distance of 50.00 feet to the southeasterly line of said T.I.D. Lateral No. 1; thence South 41°26'22" West along said southeasterly line of T.I.D. Lateral No. 1 a distance of 299.76 feet to the northwesterly corner of the "Fairview Tract" according to the Official Map thereof filed for record in Volume 17 of Maps, Page 16, Stanislaus County Records; thence South 0°10'30" West along said west line of the "Fairview Tract" and the southerly extension thereof, a distance of 2226.88 feet to the existing south right-of-way line of Whitmore Avenue; thence westerly along said existing south line of Whitmore Avenue the following 3 courses:

1. North 89°52'30" West parallel with and 20.00 feet south of the south line of said Section 7, a distance of 1186.62 feet to the northerly extension of the east line of Parcel 'B' as shown on map recorded in Book 31 of Parcel Maps, Page 78, Stanislaus County Records,
2. South 0°11'00" West along said northerly extension of the east line of Parcel 'B' a distance of 35.00 feet to the northeast corner of said Parcel 'B',
3. North 89°52'30" West along the north lines of said Parcel 'B' and Parcel 'A' of said Parcel Map a distance of 619.19 feet to the southerly extension of the east line of Parcel 'C' as shown on map recorded in Book 42 of Parcel Maps, Page 2, Stanislaus County Records;

thence northerly along said east line of Parcel 'C' and the southerly extension thereof the following 2 courses:

1. North 0°17'15" West 877.58 feet and
2. North 0°15'37" West 1132.00 feet;

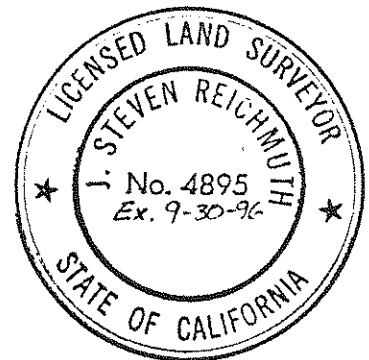
thence North 89°51'55" West 975.00 feet; thence North 0°15'37" West 918.00 feet; thence South 89°51'55" East 326.48 feet to the east line of Parcel 'A' as shown on said Parcel Map recorded in Book 42 of Parcel Maps, Page 2; thence North 0°32'31" East along said east line of Parcel 'A' and northerly extension thereof, a distance of 1091.67 feet to the southerly right-of-way line of a 90 foot wide Hatch Road; thence North 0°05'30" East along the west line of land described in Quit Claim Deed to the County of Stanislaus, City of Modesto and City of Ceres filed for record

September 25, 1980 as Instrument No. 19266, Stanislaus County Records, a distance of 266.00 feet more or less to the centerline of the Tuolumne River; thence easterly along said centerline of the Tuolumne River, being also the southerly line of the "Modesto Sewage Disposal Plant Annexation" to the City of Modesto, the following 3 courses:

1. North 88° 30' 00" East 1031.00 feet,
2. North 85° 00' 00" East 820.00 feet, and
3. South 85° 30' 00" East 790.00 feet to the northerly extension of the west line of land described in Deed to Lemmie C. McKinsey recorded in Volume 1627 of Official Records, Page 22, Stanislaus County Records;

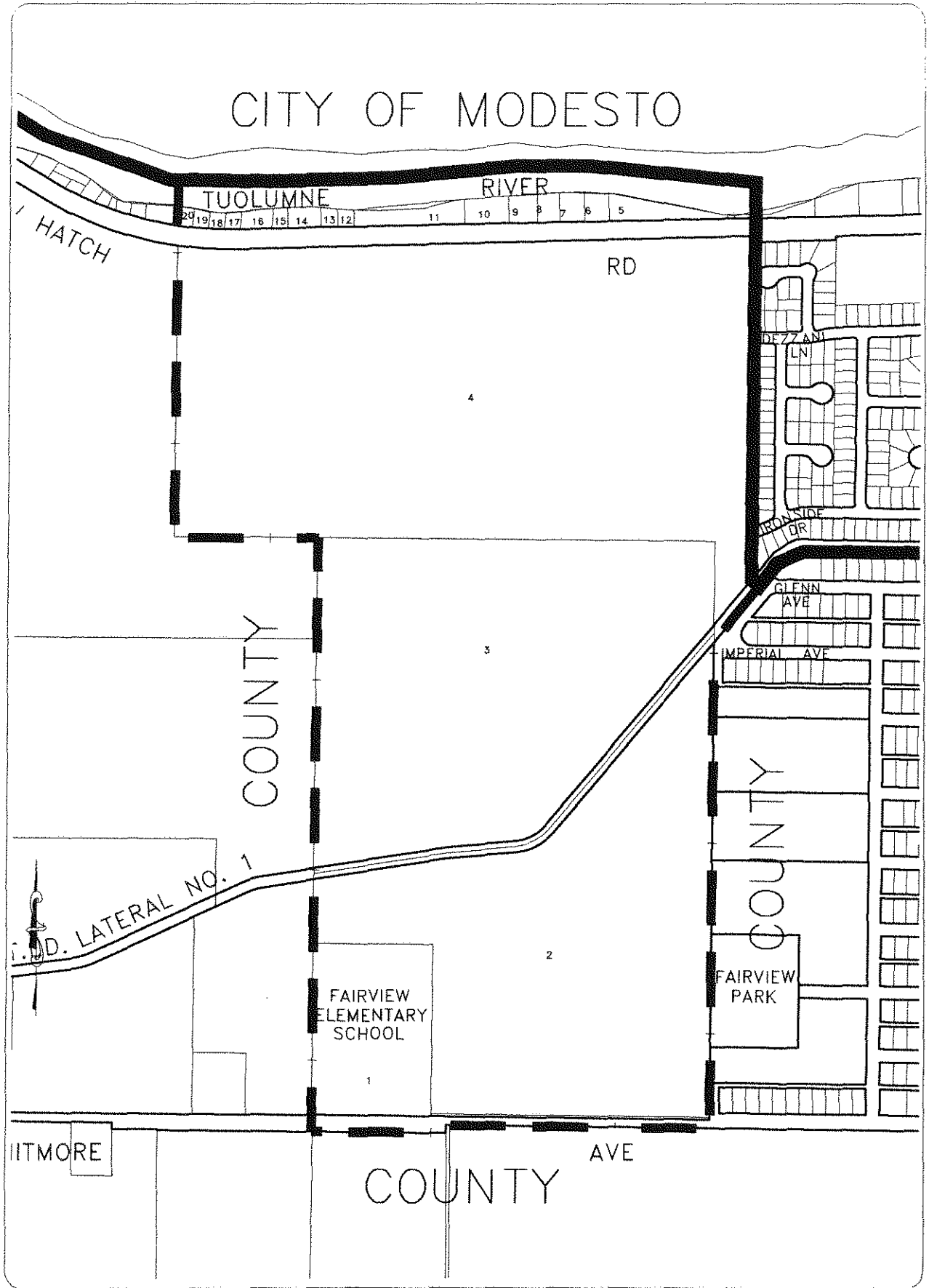
thence South 0° 19' 10" West along said west line of McKinsey Land and northerly extension thereof, being also said west line of "Hatch Road No. 5 Reorganization", a distance of 245.00 feet to said south line of 90 foot wide Hatch Road; thence continuing South 0° 19' 10" West along said west line of "Hatch Road No. 5 Reorganization" a distance of 22.50 feet to the point of beginning.

Containing: 228.91 acres

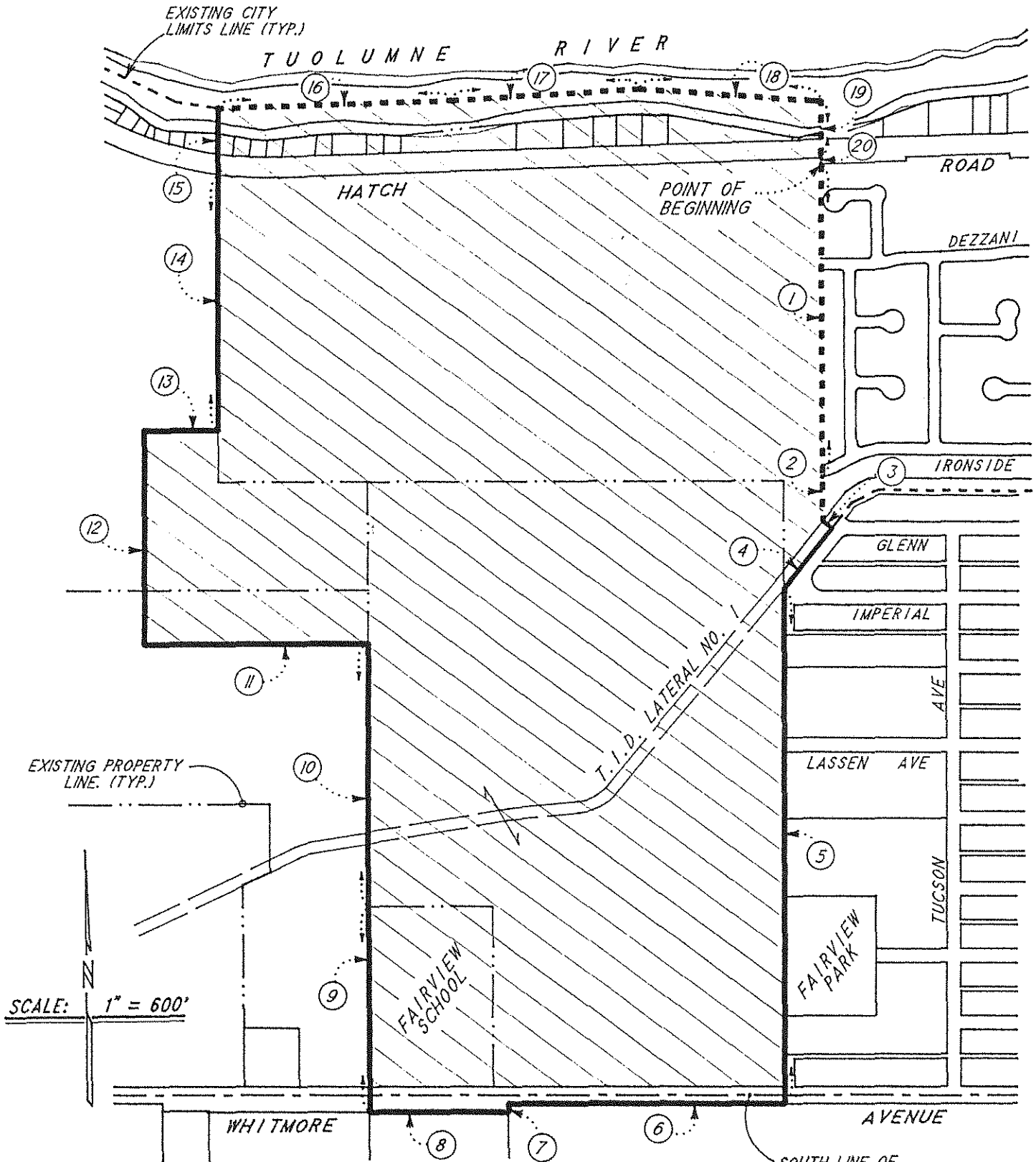


Steven Reichmuth

FAIRVIEW VILLAGE ANNEXATION (A)



FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO



①	S. 0°19'10"W. 1350.01'	⑪	N. 89°51'55"W. 975.00'
②	S. 0°17'22"W. 189.96'	⑫	N. 0°15'37"W. 918.00'
③	S. 48°33'38"E. 50.00'	⑬	S. 89°51'55"E. 326.48'
④	S. 41°26'22"W. 299.76'	⑭	N. 0°32'31"E. 1091.67'
⑤	S. 0°10'30"W. 2226.88'	⑮	N. 0°05'30"E. 266.00'
⑥	N. 89°52'30"W. 1186.62'	⑯	N. 88°30'00"E. 1031.00'
⑦	S. 0°11'00"W. 35.00'	⑰	N. 85°00'00"E. 820.00'
⑧	N. 89°52'30"W. 619.19'	⑱	S. 85°30'00"E. 790.00'
⑨	N. 0°17'15"W. 877.58'	⑳	S. 0°19'10"W. 245.00'
⑩	N. 0°15'37"W. 1132.00'		

SOUTH LINE OF SECTION 7, T.4 S., R.9 E.

PREPARED BY:



DELAMARE - FULTZ

ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7450

Plan for Providing Services - Fairivew Village Reorganization

1. Fire Protection:

Upon reorganization the property will be withdrawn from the Industrial Fire Protection District and fire protection will be provided by the Modesto Fire Department.

2. Police Protection:

The Modesto City Police Department would assume responsibility for police protection of this reorganization area.

3. Sanitary Sewer Service:

Upon annexation to the City, and upon development consistent with the Fairview Village Specific Plan, Sanitary Sewer Service will be provided by the City of Modesto to the project site.

4. Water Service:

Upon annexation to the City, and upon development consistent with the Fairview Village Specific Plan, potable water will be provided by the City of Modesto to the project site.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-587

CERTIFYING THE FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE FAIRVIEW VILLAGE SPECIFIC PLAN, AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the City of Modesto, on August 15, 1995, adopted the Modesto Urban Area General Plan to guide the growth of the City of Modesto for the next thirty years, and

WHEREAS, prior to adopting the Modesto Urban Area General Plan, the California Environmental Quality Act (CEQA) required that the City consider the environmental consequences of the proposed project, and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq., and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the City Council certified, on August 15, 1995 a Master Environmental Impact Report entitled "Final Master Environmental Impact Report for the Urban Area General Plan" (MEIR), and

WHEREAS, the MEIR identified the following impacts as Significant But Mitigable, and provided substantial evidence in the record to support the necessary findings on the following impacts for projects within the Planned Urbanizing Area such as the Fairview Village:

<u>Effect</u>	<u>Page in MEIR</u>
Increased Demand for Sanitary Sewers	IV-6-1
Loss of Sensitive Wildlife and Plant Habitat	IV-7-1
Disturbance of Archaeological or Historical Sites	IV-8-1
Drainage, Flooding, and Water Quality	IV-9-1
Increased Demand for Storm Drainage	IV-10-1
Increased Demand for Parks and Open Space	IV-11-1
Increased Demand for Schools	IV-12-1
Increased Demand for Police Services	IV-13-1
Increased Demand for Fire Services	IV-14-1
Generation of Solid Waste	IV-15-1
Generation of Hazardous Materials	IV-16-1
Landslides and Seismic Activity	IV-17-1
Energy	IV-18-1; and,

WHEREAS, the MEIR identified the following impacts as Unavoidable Significant Impacts:

<u>Effect</u>	<u>Page in MEIR</u>
Traffic and Circulation Needs	IV-1-1
Degradation of Air Quality	IV-2-1
Generation of Noise	IV-3-1
Loss of Productive Agricultural Land	IV-4-1
Increased Demand for Water Supplies	IV-5-1
Increased Demand for Storm Drainage	IV-9-1

WHEREAS, City Council Resolution No. 95-408 adopted a Statement of Overriding Considerations which made findings for each significant adverse and unavoidable impact identified in the MEIR, and also found that specific economic, social, or other considerations made infeasible certain mitigation measures and project alternatives identified in the MEIR, and

WHEREAS, the Modesto Urban Area General Plan requires a Focused Environmental Impact Report for the Fairview Village Specific Plan as an Anticipated Subsequent Project, and

WHEREAS, a Notice of Preparation for the Fairview Village Focused EIR was circulated from February 24, 1995 through March 29, 1995, and

WHEREAS, the Draft Focused EIR was circulated for public review from September 1, 1995 through October 15, 1995, and

WHEREAS, a Final Focused EIR, incorporating responses to all public comments received during the public review period, was published on or about November 1, 1995, and

WHEREAS, the information contained in the Final Focused EIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process, was reviewed and considered by the City Council prior to taking action on the Fairview Village Specific Plan.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Incorporation of Master EIR by Reference. As permitted by Section 21158(a) of the Public Resources Code, the Master Environmental Impact Report certified for the Modesto Urban Area General Plan (SCH #92052017) is hereby incorporated by reference, as Exhibit 1, a copy of which is on file in the office of the City Clerk.

3. Effects Not Examined in this Focused EIR. As permitted by Section 21158(b) of the Public Resources Code, the Fairview Village Focused EIR did not further examine the following effects, since they were sufficiently presented in the Master EIR:

<u>Effects Not Further Examined</u>	<u>Page in Master EIR</u>
Increased Demand for Water Supplies	IV-5-1
Increased Demand for Sanitary Sewer Services	IV-6-1
Drainage, Flooding, and Water Quality	IV-9-1
Increased Demand for Storm Drainage	IV-10-1
Increased Demand for Parks and Open Space	IV-11-1
Increased Demand for Police Services	IV-13-1
Increased Demand for Fire Services	IV-14-1
Generation of Solid Waste	IV-15-1
Landslides and Seismic Activity	IV-17-1
Energy	IV-18-1

With regard to the above effects, the City Council finds that, pursuant to Section 21158(b) of the Public Resources Code, those effects were examined at a sufficient level of detail in the Master EIR for the General Plan. The City Council resolution certifying the Master EIR included a Statement of Overriding Considerations for those effects which were found Significant and Not Mitigable.

Furthermore, the Council makes one of the following findings, as permitted by Section 21158(b), regarding each of the above impacts. These impacts were either:

- (1) Mitigated or avoided pursuant to paragraph(1) of subdivision(a) of Section 21081 as a result of mitigation measures identified in the master environmental impact report which will be required as part of the approval of the subsequent project, or
- (2) Examined at a sufficient level of detail in the master environmental impact report to enable those significant environmental effects to be mitigated or avoided by specific revisions to the project, the imposition of conditions, or by other means in connection with the approval of the subsequent project, or
- (3) Subject to a finding pursuant to paragraph(2) of subdivision(a) of Section 21081.

4. Conclusion of Effects Examined in the Focused EIR.

Because Section 21158(a) of the Public Resources Code requires the City to analyze a subsequent project's additional significant effects on the environment, as defined in Section 21158(d), the following Effects were examined further in the Focused EIR:

<u>Effects Examined Further</u>	<u>Conclusion</u>	<u>Page in Focused EIR</u>
Traffic and Circulation Needs	Project-specific mitigation adopted	18
Degradation of Air Quality	Project-specific mitigation adopted	43
		Page in Focused

<u>Effects Examined Further</u>	<u>Conclusion</u>	<u>EIR</u>
Generation of Noise	Project-specific mitigation adopted	48
Loss of Productive Agricultural Land	Project-specific mitigation adopted	55
Loss of Sensitive Wildlife and Plant Habitat	No project-specific mitigation adopted. Conclusions and mitigation measures from Master EIR apply citywide.	60
Disturbance of Archaeological or Historical Sites	No project-specific mitigation adopted. Conclusions and mitigation measures from Master EIR apply citywide.	65
Increased Demand for Schools	Project-specific mitigation adopted.	69
Generation of Hazardous Materials	Project-specific mitigation adopted	74

With regard to the above effects, the City of Modesto adopts new and additional mitigation measures, as indicated above ("Project specific mitigation adopted"), and as permitted by Section 21158(a) of the Public Resources Code. These Mitigation Measures are presented in Exhibit 3, a copy of which is on file in the office of the City Clerk.

5. Cumulative Impacts, Growth inducing Impacts, and Irreversible Significant Effects on the Environment. The City Council hereby finds, as required by Section 21158(a), that the analysis presented in the Master EIR, regarding cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment, is adequate for the Fairview Village Focused EIR. This analysis is presented throughout the Master EIR, and summarized in Section V of that document.

6. Alternatives Evaluated. The Focused EIR contains no new or additional analysis of alternatives beyond the analysis presented in the Master EIR for the Modesto Urban Area General Plan. Four Land Use Alternatives were developed and considered by the City, which were then analyzed in the Draft MEIR; after considering public comment on the Draft General Plan, a Preferred Alternative, which combined the features of several of the Land Use Alternatives, was recommended by the Planning Commission. Subsequently, the City Council further modified the Planning Commission Proposal, and approved the "Adopted General Plan" on August 15, 1995. The Master EIR, along with an Addendum prepared to address the impacts of the Adopted General Plan, was certified by the City Council on August 15, 1995. Four other alternatives presented in the Final MEIR were developed to provide a "reasonable range of alternatives" as required by Section 15126(d) of the CEQA Guidelines. As Fairview Village is an element of the "Adopted General Plan" as adopted by the City Council on August 15, 1995, after considering the full range of alternatives, no further analysis of alternatives is necessary in this Focused EIR for Fairview Village.

7. Proposed Modifications to the Master EIR. Section 21157.6 of the Public Resources Code permits the Focused EIR for Fairview Village to modify the General Plan Master EIR, by including updated information. Section V (p. 77) of the focused EIR presents this information, in the form of four Modifications, as follows:

<u>Modification #</u>	<u>Topic</u>
1	Air Quality
2	Archaeological/Historical Sites
3	Schools
4	Noise

These four Modifications, presented in detail in Exhibit 2, are hereby adopted and incorporated into the Master Environmental Impact Report for the Modesto Urban Area General Plan.

8. Mitigation Monitoring. Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit 4, attached hereto, is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented.

9. Certification. Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Focused Environmental Impact Report for the Fairview Village Specific Plan as accurate and adequate. The City Council further certifies that the Focused EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, CA 95354.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McKinsey
Mayor Lang
NOES: Councilmembers: McClanahan
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Exhibit 1

Master Environmental Impact Report for the Modesto Urban Area General Plan

The full document is available in the Office of the City Clerk,
City of Modesto, City Hall.

City of Modesto

**Final
Master Environmental
Impact Report
for the Urban Area
General Plan**

As certified by the Modesto City Council
Resolution No. 95-408
August 15, 1995

State Clearinghouse No. 92052017

Exhibit 2

Modifications to the Master Environmental Impact Report

MEIR MODIFICATION #1

A. Revised Wording

"Significance Standards Used in the MEIR," pertaining to Degradation of Air Quality, is revised as follows:

"After consideration of the methodological approaches suggested by the CEQA Guidelines, the City has chosen to adopt the following guidelines:

For 8-hour exposure to CO, the concentration of CO may not exceed 9ppm and 1-hour concentration shall not exceed 20 ppm.

For ozone precursors [i.e. reactive organic compounds (ROC) and NO_x] and PM₁₀, ~~any net increase in emissions will be identified as significant.~~ emissions are considered significant when they are projected to exceed 10 tons per year (equivalent to 55 lbs./day).

Any net increase in PM₁₀ emissions will be identified as significant."

B. Revised Mitigation Measures Resulting From this Change

None.

MEIR MODIFICATION #2

A. Revised Wording

"Significance Standards Used in this MEIR," pertaining to Disturbance of Archaeological or Historical Sites is revised as follows:

"After consideration of the methodological approaches suggested by the CEQA Guidelines, the National Historic Preservation Act, the State Historic Preservation office, and the Landmark Preservation Commission, the City has chosen to adopt the following standards:

A new Project will have a significant impact on historic structures if it results in modification or demolition of a listed historic resource. Effects will be significant if any project impacts a structure over 50 years old.

A new project will have a significant impact on archaeological resources if ~~it involves the removal of known resources,~~ ~~results in discovery of undiscovered archaeological resources,~~ ~~or if it involves construction within an area of high sensitivity.~~

the project may cause damage to an important archaeological resource. According to Appendix K of the CEQA Guidelines, an important archaeological resource" is one which:

- a. Is associated with an event or person of:
 1. Recognized significance in California or American history, or
 2. Recognized scientific importance in prehistory.
- b. Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable or archaeological research questions;
- c. Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;
- d. Is at least 100 years old and possesses substantial stratigraphic integrity; or
- e. Involves important research questions that historical research has shown can be answered only with archaeological methods."

B. Revised Mitigation Measures Resulting from This Change

None.

MEIR MODIFICATION #3

A. Revised Wording

1. "Existing or Known Future Conditions that Mitigate or Avoid Potential Environmental Effect," pertaining to Increased Demand for Schools is revised as follows:

"County policies ensure that future growth does not exceed school capacity. ~~City regulations require that Recent City practice has been to encourage~~ new schools be located in proximity to parks.

County and City policies limit development if there are inadequate public services, including schools, to serve the increase in population."

2. "Cumulative Impact Study Area," pertaining to Increased Demand for Schools, is revised as follows:

~~"Modesto City Schools is expected to provide a substantial portion of the school services needed for the future development of the Modesto Urban Area General Plan. In addition, a number of smaller school districts are also expected to provide school facilities. Therefore, the cumulative impact study area is defined as the outer boundaries of all of the school districts serving areas within the proposed Urban Boundary. General Plan Area."~~

3. "Effects That Remain Significant After Mitigation," pertaining to Increased Demand For Schools, is revised as follows:

~~"There are no impacts of increased demand for schools which cannot be mitigated to less than significant levels. It should be noted, however, that the provision of school facilities and provision of timely financing of school facilities, is the primary responsibility of the affected school districts."~~

~~The construction, maintenance, and day-to-day operations of schools is not governed by the City of Modesto. School districts with elected Boards of Directors are responsible for the actual implementation of School Facilities. Therefore, the City's role in the implementation of the above policies would be limited to: coordination with the affected school districts; determining whether a development project's impacts on school capital facilities is fully mitigated; and making appropriate findings under CEQA if the impacts are not fully mitigated."~~

B. Revised Mitigation Measures Resulting from This Change

None.

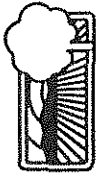
MEIR MODIFICATION #4

A. Revised Map

Sheet No. 1 of Figure 3-2 has been revised to include noise contours along Whitmore Road, as shown on the attached diagram.

B. Revised Mitigation Measures

None.



**CITY OF MODESTO
GENERAL PLAN PROGRAM**

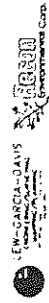
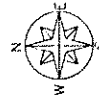
**Figure 3-2
NOISE CONTOURS**

LEGEND

- GREEN
- GREEN
- TOWN
- TOWN
- GENERAL PLAN BOUNDARY

DAY NIGHT AVERAGE SOUND LEVELS (DN) (60 DECIBELS) AS CAN '90 LINE NOISE CONTOURS

- REFERENCE POINTS (City of Modesto, City of Jackson)
- STREETS
- FREIGHT
- RAILROADS
- RIVERS



Prepared by
ENVIRONMENTAL SCIENCE ASSOCIATES, INC.
1111 N. 1st St.
Modesto, CA 95354
408/533-1111

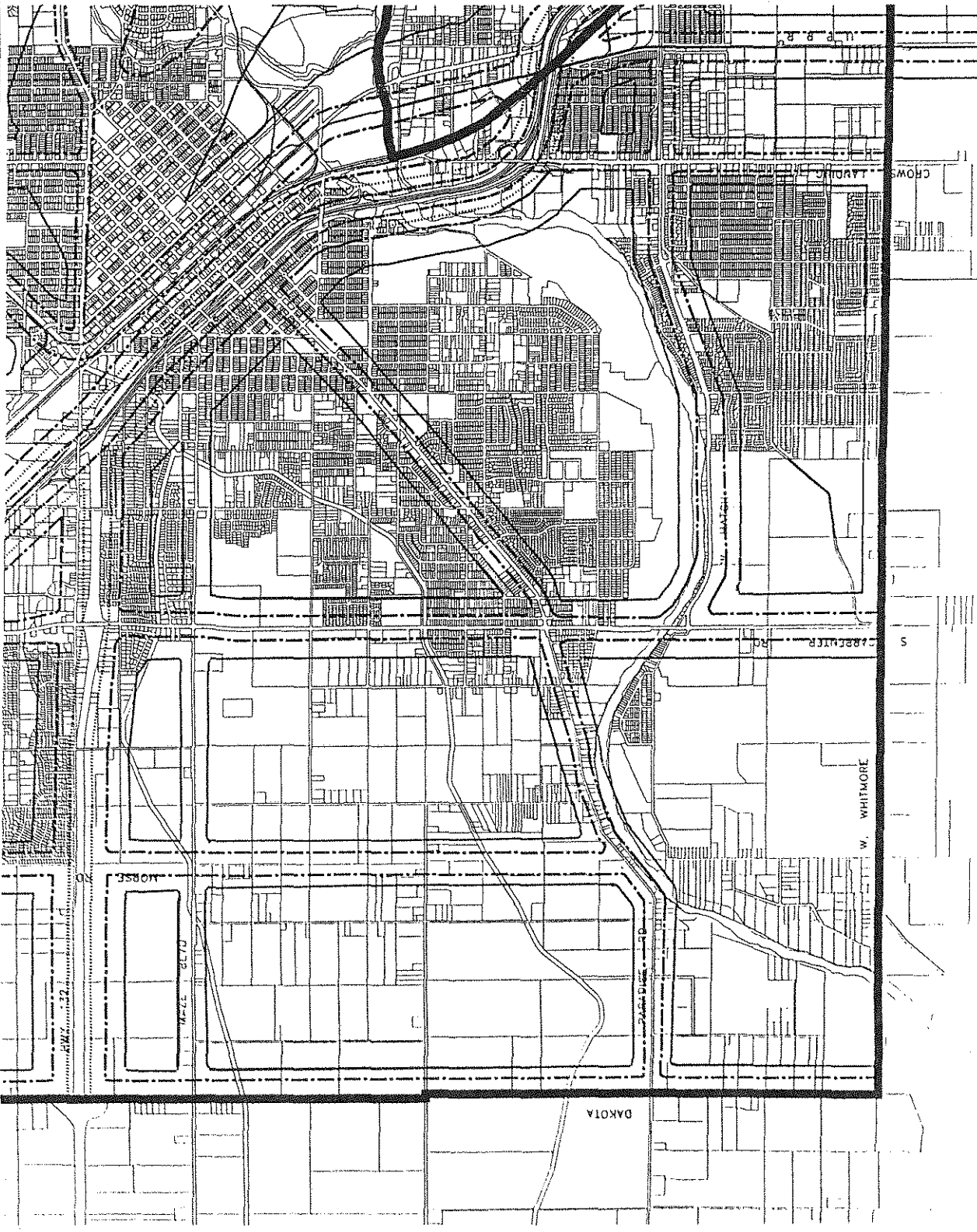


Exhibit 3

Final, Focused Environmental Impact Report for the Fairview Village

The full document is available in the Office of the City Clerk,
City of Modesto, City Hall.

FINAL
ENVIRONMENTAL IMPACT REPORT

FAIRVIEW VILLAGE
Focused Environmental Impact Report

November 1995

SCH# 95032006

**Environmental
Science
Associates**

301 Brannan St.
Suite 200
San Francisco, California
94107-1811
(415) 896-5900

Also offices in

Los Angeles

Sacramento

95029



ESA

Exhibit 4

**Mitigation Monitoring
Program**

EXHIBIT 4

Mitigation Monitoring Program

Fairview Village Focused EIR

1. Purpose of the Monitoring Program

The Mitigation Monitoring Program is prepared in accordance with Section 21081.6 of the Public Resource Code. Its purpose is to provide for the accomplishment of mitigation measures required by the Final Focused Environmental Impact Report for the Fairview Village Specific Plan.

2. When Implemented

The mitigation measures required for the Fairview Village Specific Plan will be implemented at various times as development proceeds in accordance with the Specific Plan. For each mitigation measure, the implementation schedule may either be ongoing, or concurrent with development.

3. Monitoring Agency

For each mitigation measure, the monitoring agency will be the City of Modesto. The City will be responsible for ensuring that the mitigation measure is properly implemented.

4. Monitoring Schedule

All the mitigation measures will be monitored periodically, to ensure that implementation is successful. Monitoring will occur, at a minimum, during individual development project processing.

5. Format of Mitigation Monitoring Program

The following format is established for the Mitigation Monitoring Program, in order to comply with the requirements of Section 21081.6 of the Public Resources Code:

a. Method of Project Implementation

The City of Modesto intends to adopt all seven of the attached mitigation measures into the Fairview Village Specific Plan as Policy Statements. This approach will comply with Section 21081.6(2)(b), which states:

"A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures, or in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design." (emphasis added)

b. State Law requires the Mitigation Monitoring Program to be "designed to ensure compliance during project implementation." This Mitigation Measure supports the State Law requirement in the following manner:

In order to ensure compliance of a subsequent project with the Mitigation Measure, the measure itself must be carefully written. It is important to describe the means by which the mitigation measure relates to current practices, or established methods of review.

c. This Measure is "fully enforceable through permit conditions, agreements, or other measures," as follows:

The City intends to adopt the subject mitigation measure as a Policy Statement in the Fairview Village Specific Plan. This approach will comply with Public Resources Code Section 21081.6(2)(b).

Mitigation Measures Incorporated Into the Specific Plan

Traffic and Circulation Mitigation Measure(s)

- TC-1 Prior to approval of each Subdivision Map within the Specific Plan Area, a Site Access Study for the area to be developed will be prepared to the satisfaction of the City of Modesto Director of Public Works and Transportation.
- TC-2 Prior to the approval of the first Subdivision Map, in the Specific Plan area, the project applicant shall develop a plan to the satisfaction of the City of Modesto Director of Public Works and Stanislaus County Department of Public Works to ensure the implementation of the following measures. The long-range financing plan shall be developed to identify the appropriate level of public funding, including the City's Capital Facility Fee program. The measures for Subarea A are as follows:
1. The intersection of Carpenter/Robertson shall be signalized with at least three-phase control. No approach widening would be required at this intersection to attain an acceptable level of service; the resulting LOS would be C.
 2. The intersection of Carpenter/Hatch shall be signalized with at least three-phase control. The eastbound approach shall be widened to provide a separate right-turn-only lane; widening may also be required on the southbound approach to provide adequate stacking distance between the intersection and the Tuolumne River bridge. The resulting LOS would be C.
- TC-3 Prior to the development of Subarea B, the project applicant shall develop a plan to the satisfaction of the City of Modesto Director of Public Works to ensure the implementation of the following measures. The long-range financing plan shall be developed to identify the appropriate level of public funding, including the City's Capital Facility Fee program. The measures for Subarea B are as follows:
3. As warranted, project access roads shall be signalized where they intersect the adjacent major roadways.
 4. Prior to development of Subarea B, the project applicant shall develop and fund a program to the satisfaction of the City of Modesto Director of Public Works to mitigate the project's traffic impacts on the adjacent neighborhoods at project buildout.

Noise Mitigation Measure(s)

- N-1 Prior to construction activities in the vicinity of the existing school and the proposed new elementary school, the project applicant shall develop a schedule of construction activities during school hours acceptable to the Modesto City School District to reduce construction noise impacts to schools.

Agricultural Mitigation Measure(s)

- AG-1 Future home buyers and prospective residents of Fairview Village shall be provided disclosure that they are subject to noise, dust, odor, and other impacts from adjacent agricultural operations.

Schools Mitigation Measure(s)

- SCH-1 The Specific Plan shall ensure that the school mitigation agreement between the Modesto City School District and the applicant shall be executed prior to development. The District has proposed, and the applicant has agreed upon this mitigation. The agreement shall be executed prior to the submittal of the first tentative map within the Specific Plan.

Hazardous Materials Mitigation Measure(s)

- HAZ-1 Prior to any transfer of property to the Modesto City School District, a Phase I Environmental Audit should be prepared for the project site by a qualified consultant, in conformance with the general guidelines and standard practice established in the American Society for Testing and Materials' (ASTM) Standard Practice E1527-94, focusing on the past use of pesticides on site, the presence of any underground storage tanks, and the presence of soil and/or groundwater contamination resulting from the pesticide use. Any contamination problems identified would need to be remediated through the development of a remediation plan for the project site. The remediation plan would be required to be approved in advance by the appropriate authorities.

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-588

A RESOLUTION AMENDING SECTIONS 1 AND 2 OF
RESOLUTION NO. 92-38 ENTITLED "A RESOLUTION
APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(363), AS AN ADDITION TO
P-D(363)." (TERRY CARSON)

WHEREAS, the Modesto City Council, by Ordinance No. 2299-C.S., which was introduced on October 23, 1984, finally adopted on November 13, 1984, and which became effective on November 21, 1994, rezoned property located at the southwest corner of East Orangeburg and Nelson Avenues to Planned Development Zone, P-D(363), to allow a one-story, 49-unit elderly housing development, and

WHEREAS, City Council Resolution No. 84-853 adopted by the City Council on October 23, 1984, approved the development plan for P-D(363) and contained conditions of approval thereof, and

WHEREAS, City Council Resolution No. 86-223 adopted by the City Council on February 25, 1986, approved a new development plan for P-D(363) for a 60-unit elderly housing development and contained conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 2799-C.S., which was introduced on January 21, 1992, finally adopted on January 28, 1992, and which became effective on February 27, 1992, amended Section 21-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(363), as an addition to P-D(363), to allow

a 33-unit, one- and three-story elderly housing development, property located on the west side of Nelson Avenue south of East Orangeburg Avenue, and

WHEREAS, Modesto City Council Resolution No. 92-38 which was adopted on January 21, 1992, approved the development plan for Planned Development Zone, P-D(363), as an addition to P-D(363), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(363), as an addition to P-D(363), was filed by Terry Carson on September 11, 1995, to allow a two-story office building to be developed on the property located on the west side of Nelson Avenue south of East Orangeburg Avenue, and

WHEREAS, after a public hearing on November 6, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 95-23, that amendment of Planned Development Zone, P-D(363), as an addition to P-D(363), as proposed, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed amendment to P-D(363) for a professional office building and an accessory off-street parking area will contribute to a mixture of uses provided for in the Mixed Use (MU) area designated for this portion of the East McHenry Neighborhood.
2. The approved plot plan, along with required fencing and conditions of approval will assure this professional office development will be

compatible with the adjacent residential neighborhood.

3. The office development will not directly impact traffic flow along East Orangeburg Avenue, since vehicular access driveways will be to Nelson Avenue.

WHEREAS, by Resolution No. 95-23 the Planning Commission recommended to the Council that Planned Development Zone, P-D(363), be amended to allow a two-story professional office building to be developed on the property located on the west side of Nelson Avenue south of East Orangeburg Avenue, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m. on December 12, 1995, and

WHEREAS, after said public hearing held on December 12 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of Terry Carson for an amendment to Planned Development Zone, P-D(363), as an addition to P-D(363), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 95-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2963 -C.S. on the 12th day of December, 1995, amending Section 2 of Ordinance No. 2799-C.S, to a two-story professional office building to be developed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Sections 1 and 2 of Modesto City Council Resolution No. 92-38 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(363), as an Addition to P-D(363)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(363), as an addition to P-D(363), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Nelson Offices" as amended in red, stamped approved by the City Council on December 12, 1995.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The 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-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along entire west property line and portion of south property line not directly abutting parking stalls.
 - b. Six-foot-high, solid, double-sided, alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the south property line adjacent to open portion of the parking garage and open parking area between rear of office and alley.
4. Street improvements, including improvement of the alley to a 14-foot width along property frontage consistent to Standard Specifications, shall be provided prior to the occupancy of any structures or when requested by the Public Works and

Transportation Director to alleviate a health, safety, or traffic problem in the area.

5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
6. Prior to issuance of a building permit the developer shall dedicate public utility easements including a six-foot-wide planting easement and a ten-foot-wide P.U.E. as required by the utility companies and the Public Works and Transportation Director.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
9. All signs shall comply with the sign requirements of the P-O Zone.
10. All conditions of City Council Resolution No. 92-38 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(363), as an addition to P-D(363):

The entire construction program be accomplished in one phase, construction to begin on or before November 6, 1997, and completion to be not later than November 6, 1998."

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 X 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 12th day of December, 1995, by Councilmember McClanahan, 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:	Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Cek

MODESTO CITY COUNCIL
RESOLUTION NO. 95-589

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 THE USES IN P-D(363), TO ALLOW A TWO-STORY PROFESSIONAL OFFICE IN PLACE OF A THREE-STORY SENIOR HOUSING ADDITION, PROPERTY LOCATED ON THE WEST SIDE OF NELSON AVENUE SOUTH OF EAST ORANGEBURG AVENUE. (TERRY CARSON).

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, Terry Carson has proposed that the zoning designation for his property located on the west side of Nelson Avenue south of east Orangeburg Avenue be amended to allow a two-story professional office in place of a three-story senior housing addition, property located on the west side of Nelson Avenue south of East Orangeburg Avenue, in the City of Modesto ("the project"), and

WHEREAS, on October 26, 1995, the City's Community Development Department by Environmental Assessment 96-5 has reviewed the proposed project relating to the project, 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 may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on November 6, 1995, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

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 project on October 26, 1995, 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 report.

2. 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. 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 specific features which are unique to the proposed project that require project specific mitigation

measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

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 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 12th day of December, 1995, by Councilmember McClanahan, 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:	Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto

COMMUNITY DEVELOPMENT DEPARTMENT

USE OF MASTER EIR (MEIR) AND FINDINGS

E. A. No. 95 - 110

I. BACKGROUND

1. Name of Project: Application of Terry Carson for an amendment to Planned Development, P-D(363).
2. Name, Address and Phone Number of Proponent: Terry Carson, 210 Lois Avenue, Mod., CA. 95350 phone (209) 527 - 7307
3. Type of Project: Amendment to planned development zone - to allow a two-story professional office building to be developed instead of a previously approved three-story, 33-unit senior housing project.
4. Location: Property located on the west side of Nelson Avenue south of East Orangeburg Avenue.
5. Description of Proposed Project: The property contains 0.64 acres and is occupied by a single-family residence. However, the property is part of a planned development zone approved for senior housing apartment units. This portion of the development is approved for 33-units. The amendment will allow a two-story 14,200 square foot office development in place of the housing units.
6. Discretionary Permit(s) Requested: Building permits

References to the MEIR and mitigation measures in this document pertain to the Final Master Environmental Impact Report for the Urban Area General Plan for the City of Modesto 1995.

A. Traffic and Circulation

The amendment to P-D(363) will not contribute substantially to additional traffic impacts. A traffic study was not required as a result of this project. This development proposal 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, still valid.

B. Degradation of Air Quality

This office complex will be in a Mixed Use (MU) area as designated by the City of Modesto General Plan. Offices are an included use within this area. It will not have 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, still valid.

C. Generation of Noise

The professional office project is adjacent to and surrounded by urban development. Although the project will add additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. 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, therefore still valid.

E. Increased Demand for Water Supplies

This professional office 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.

F. Increased Demand for Sanitary Sewer Services

This professional office 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.

G. Loss of Sensitive Wildlife and Plant Habitat

This 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. 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

Development of this professional office 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 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may 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

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. 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, therefore still valid.

J. Increased Demand for Storm Drainage

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. 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

This project will not have an effect upon the parks or open space needs in the area. Sutter Park is located a quarter mile directly east of this proposed development. 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

Additional residential development with the Modesto City Schools attendance areas have an adverse impact on the educational facilities and program. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." 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

This annexation proposal has a less than significant impact upon the need for additional police services to this area. 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

This annexation proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is less than one mile away. 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 annexation and subsequent development 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

This proposal will result in no 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

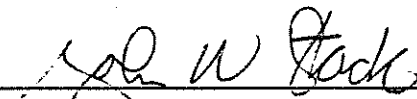
This annexation will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages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

R. Energy

This proposal 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, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed professional office development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- C. All feasible mitigation measures or feasible alternatives set forth in the MEIR have been incorporated if appropriate into this professional office development.
- D. This initial study provides substantial evidence to support findings "A, B, and C" above.

Signature: 

Date: 10 - 26 - 95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-590

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH No. 92052017): ORDINANCE PREZONING THE PROPERTY SOUTH OF CALIFORNIA AVENUE, EAST OF MARSHALL AVENUE, NORTH OF BRIGGS AVENUE AND WEST OF MARTIN LUTHER KING DRIVE, FOR THE PURPOSE OF REORGANIZATION TO THE CITY OF MODESTO (BETTENCOURT ANNEXATION).

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, Alice Bettencourt has proposed that her property located south of California Avenue, east of Marshall Avenue, north of Briggs Avenue, and west of Martin Luther King Drive be prezoned to P-R-1 and that the City of Modesto recommend to the Local Agency Formation Commission of Stanislaus County that it proceed with the detachment of said property from the Woodland Avenue Fire District and proceed with the reorganization of said property to the City of Modesto ("the project"), and

WHEREAS, on October 30, 1995, the City's Environmental Assessment Committee reviewed the proposed project relating to said prezoning and reorganization, 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 may be required, and that therefore the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on November 6, 1995, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

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 project on October 30, 1995, 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 annexation and subsequent 14-lot subdivision as contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the report.

2. 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. 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 specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

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 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 12th day of December, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto
Initial Study

95-112
E. A. Number

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the Bettencourt Annexation. 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 the Bettencourt Annexation may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the Bettencourt Annexation is described in the Master EIR as being within scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title: Bettencourt Annexation
- B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:
Glen Montgomery (acting on behalf of Alice Bettencourt)
1654 Woodland Drive
529-5979
- D. Project Location:
South of California Avenue, east of Marshall Ave. and west of Martin Luther King Drive
- E. Project sponsor: Alice Bettencourt - 3316 Scenic Drive
- F. General Plan Designation: Mixed Use
- G. Zoning: A-2-10
- H. Description of Proposed Project: This is currently an open area in a county "island" surrounded by single family residential development to the north and west. This project is to annex the 2.74 acres for the eventual development of up to 14 single family units, and construction of public street.
- I. Surrounding land uses: This project has single family housing on the west, and large lot (county) residential on the east and south. To the north is Mellis Park.
- J. Other public agencies whose approval is required: LAFCO

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 the Bettencourt Annexation conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

The Bettencourt Annexation will provide approximately 550 linear feet of public street right-of-way. This 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, still valid.

B. **Degradation of Air Quality**

This annexation will provide infill housing within the City of Modesto. It will not have 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, still valid.

C. **Generation of Noise**

The Bettencourt Annexation project is adjacent to and surrounded by urban development. Although the project will add additional traffic and housing to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, 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 project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. 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, therefore still valid.

E. **Increased Demand for Water Supplies**

This annexation project which will provide for additional residential housing, 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**

This annexation 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.

- G. **Loss of Sensitive Wildlife and Plant Habitat**
This 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. 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**
This annexation and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may 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**
The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. 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, therefore still valid.
- J. **Increased Demand for Storm Drainage**
The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. 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**
This project will not have an effect upon the parks or open space needs in the area. Mellis Park is located directly north of this proposed development. 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**
Additional residential development with the Modesto City Schools attendance areas have an adverse impact on the educational facilities and program. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." 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**

This annexation proposal has a less than significant impact upon the need for additional police services to this area. 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

This annexation proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is less than one mile away. 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 annexation and subsequent development 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

This proposal will result in no 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

This annexation 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 proposal 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, 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 annexation and subsequent 14 lot subdivision is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. The Project will have not 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 nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).
- D. There are not specific features unique to the Bettencourt Annexation 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:

John D. Mayer

Date:

10-30-95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-591

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE BETTENCOURT ANNEXATION TO THE CITY OF MODESTO. (UNINHABITATED)

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Bettencourt Annexation to the City of Modesto, and

WHEREAS, notice of intent to adopt this resolution of application has not been given to each interested and each subject agency, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit "A" attached hereto and by this reference incorporated herein, and

WHEREAS, the area proposed to be annexed is within the sphere of influence of any city, 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 to the City of Modesto;
- (b) The detachment of said territory from the Woodland Avenue Fire Protection District; and
- (c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Bettencourt Annexation to the City of Modesto is to provide for fourteen affordable single family lots to an area of need within the City limits, and

WHEREAS, on October 30, 1995, City Staff completed an initial study to determine if the proposed reorganization might have a significant effect on the environment, and

WHEREAS, the initial study found as follows:

- A. The proposed annexation and subsequent 14 lot subdivision is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH 392052017).
- B. 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.
- C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1)
- D. There are not specific features unique to the Bettencourt Annexation 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.

WHEREAS, any comments received by the City during the public review period on the draft negative declaration were forwarded to the City Council for consideration with the recommended negative declaration, and

WHEREAS, the initial study identified no long-term environmental impacts with the reorganization, and

WHEREAS, City staff thereafter recommended that the Modesto City Council approve the project, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit "B" attached hereto and by this reference incorporated herein, and

WHEREAS, the Modesto Community Development Department, Community Services Division, shall be the chief petitioner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that this Resolution of Application is hereby adopted and approved and the Local Agency Formation Commission of Stanislaus County is hereby requested to take proceedings for the annexation of the territory described in Exhibit "A", according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of Stanislaus County, and that pursuant to Government Code Section 56700 the Council hereby requests that the Local Agency Formation Commission of Stanislaus County proceed with the Bettencourt Annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

All that certain real property situate in a portion of the southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows,

Lots 1 and 2 of the RE-SURVEY OF BRICHMANS ADDITION TO THE CITY OF MODESTO, according to the official Map, thereof, filed in the office of the Recorder of Stanislaus County, California, on October 15, 1904, in Volume 2 of Maps at page 1.

EXCEPTING THEREFROM the following described portion of said lots:

Beginning at the Northwest corner of said Lot 1, thence south along the West boundary line of said Lots 1 and 2, 933.36 feet to the southwest corner of said Lot 2, thence Easterly along the South line of said Lot 2, 466.68 feet to the Southeast corner of said Lot 2, thence North along the East boundary line of said Lot 2, 266.31 feet to the center line of a ditch, thence North $88^{\circ} 44' 30''$ West along said center line of said ditch 180.43 feet to an angle; thence deflecting an angle of $91^{\circ} 15' 30''$, to the right and continuing along the center line of said ditch northerly a distance of 661.53 feet to the North line of said Lot 1, thence westerly along the North line of said Lot 1, 287.0 feet to the point of beginning.

Including also the south 40 feet of California Avenue.

BETTENCOURT ANNEXATION

Plan For Providing Services

Pursuant to Section 56653 of the Cortese-Knox Reorganization Act of 1985, listed below are the services that the City of Modesto will be taking over for the aforementioned area.

1. **Parking and Traffic - Public Works and Transportation.**

As streets are placed, this department will assign traffic control and street name signs.

2. **Engineering Services - Public Works and Transportation.**

This is for water, sewer, sidewalks, curbs and street lights all built to city standards.

3. **Police.**

The Police Department will inherit the responsibility of serving this area.

4. **Fire.**

The Fire Department will inherit the responsibility of serving this area.

5. **Parks and Recreation.**

No new parks will be required as the existing facilities adequately serve the areas to be annexed. Regular service and additional improvements can be expected in the parks that serve this area.

Police, Fire, and Park and Recreation services will become available immediately upon formal annexation to the City of Modesto.

Police and Fire services will not require additional people and facilities over time as the area is "infill." These services are principally funded through the City's Capital Facilities Fees system.

Dated: December 12, 1995.

EXHIBIT "B"

MODESTO CITY COUNCIL
RESOLUTION NO. 95-592

A RESOLUTION CERTIFYING ENVIRONMENTAL REVIEW OF THE VILLAGE ONE PRECISE PLAN OF AREA NO. 8 AND REZONING, ESTABLISHING PRINCIPAL UNDERLYING R-1 AND R-3 ZONING TOGETHER WITH THE SPECIFIC PLAN SP-O OVERLAY ZONE, RELATING TO PROPERTY LOCATED ON THE SOUTH SIDE OF SYLVAN AVENUE, EAST OF LITT ROAD EXTENDED. (VILLAGE HIGHLANDS)

WHEREAS, the Inland Westpointe Partnership proposes to develop a 151-lot, single-family subdivision called Village Highlands, and an 8.6-acre multiple-family residential area to be developed as a later phase, all on a 38-acre site which comprises the entire Precise Plan Area No. 8, located on the south side of Sylvan Avenue east of a southerly extension of Litt Road, and which proposal also seeks underlying zoning of R-1 and R-3 which is to be coupled with the Specific Plan, SPO, Overlay Zone in accordance with the requirements of the Specific Plan, and

WHEREAS, on November 13, 1995, the City's Environmental Assessment Committee reviewed the proposed project relating to the Village One Precise Plan of Areas No. 8 and rezoning, and made the determination that it was within the Scope of the Village One Final Supplemental Program EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Use of Previous EIR and findings for the proposed project relating to the Village One Precise Plan of Area No. 8 and rezoning, and the Council has determined said project to be

within the scope of the Village One Final Supplemental Program EIR for the reasons set forth in the attached Initial Study, a copy of 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 12th day of December, 1995, by Councilmember Cogdill, 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:	Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

City of Modesto

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

E. A. No. 95-115

I. BACKGROUND

1. **Name of Project:**
Village Highlands (PPA-8)
2. **Name, Address and Phone Number of Proponent:**
Lew-Garcia-Davis PO Box 1033, Ceres, CA 95307 (209) 538-3360
3. **Type of Project:**
VTSM in Village One Precise Plan Area No. 8
4. **Location:**
Precise Plan Area No. 8 is bordered by Syvan Ave. on the north, Precise Plan Area No. 11 on the south, proposed Village One Road D on the west and PPA 9 and 10 on the east.
5. **Description of Proposed Project:**
The approval and adoption of Precise Plan Area 8 and the approval of a 203 lot vesting tentative subdivision map for the entire precise plan area.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	—	—	<input checked="" type="checkbox"/>
2. Disruptions, displacements, compaction or overcovering of soil?	—	—	<input checked="" type="checkbox"/>
3. Change in topography or ground surface?	—	—	<input checked="" type="checkbox"/>
4. The destruction, covering or modification of any unique geologic or physical features?	—	—	<input checked="" type="checkbox"/>
5. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<input checked="" type="checkbox"/>
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	—	—	<input checked="" type="checkbox"/>

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Proposed Village One Specific Plan Amendment No. 4.

The project site is relatively flat and has not been used as a landfill site, any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Substantial air emission or deterioration of ambient air quality?	—	—	<input checked="" type="checkbox"/>
2. The creation of objectionable odors?	—	—	<input checked="" type="checkbox"/>

AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	—	—	<u>✓</u>

Discussion: The project will have a very similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Changes in currents, or the course of direction of fresh water movements?	—	—	<u>✓</u>
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	—	—	<u>✓</u>
3. Alterations to the course of flow of flood waters?	—	—	<u>✓</u>
4. Change in the amount of surface water in any water body?	—	—	<u>✓</u>
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	<u>✓</u>

- | | | | | |
|----|--|-----|-----|----------|
| 6. | Alteration of the direction or rate of flow of ground waters? | ___ | ___ | ✓
___ |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | ___ | ___ | ✓
___ |
| 8. | substantial reduction in the amount of public water supply? | ___ | ___ | ✓
___ |
| 9. | Exposure of people or property to water related hazards such as flooding? | ___ | ___ | ✓
___ |

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

- | D. PLANT LIFE | Will the proposal result in: | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|---------------|---|------------|--------------|-----------|
| 1. | Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | ___ | ___ | ✓
___ |
| 2. | Reduction of the numbers of any unique, rare or endangered species of plants? | ___ | ___ | ✓
___ |
| 3. | Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | ___ | ___ | ✓
___ |
| 4. | Reduction in acreage of any agricultural crop? | ___ | ___ | ✓
___ |

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	___	___	<u>✓</u>
2. Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	<u>✓</u>
3. Introduction of new species of animals?	___	___	<u>✓</u>
into the area, or result in a barrier to the migration or movement of animals?	___	___	<u>✓</u>
4. Deterioration to existing fish or wildlife habitat?	___	___	<u>✓</u>

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Increases in existing noise levels?	___	___	<u>✓</u>
2. Exposure of people to severe noise levels?	___	___	<u>✓</u>
3. Will the project require noise abatement			

introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. **NATURAL RESOURCES** Will the proposal result in an increase in the rate of use of any natural resource? Yes Maybe No
 _____ _____

Discussion: The proposed revisions to the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. **RISK OF UPSET** Will the proposal involve: Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? _____ _____

2. Possible interference with an emergency response plan or an emergency evacuation plan? _____ _____

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. **POPULATION** Will the proposal: Yes Maybe No

Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR? _____ _____

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new

population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not changed. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?	—	—	✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change. Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Generation of substantial additional vehicular movement?	—	—	✓
2. Effects on existing parking facilities, or demand for new parking?	—	—	✓
3. Substantial impact upon existing transportation systems?	—	—	✓
4. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	✓
5. Alterations to rail or air traffic?	—	—	✓
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	—	—	✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. The Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR).

Mitigation measures 6 through 20 of the Final Supplemental EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas				
1.	Fire protection?	—	—	✓
2.	Police Protection?	—	—	✓
3.	Schools?	—	—	✓
4.	Parks or other recreational facilities?	—	—	✓
5.	Maintenance of public facilities, including roads?	—	—	✓
6.	Other governmental services?	—	—	✓

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY	Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Power or Natural gas?	—	—	✓
2.	Communications systems?	—	—	✓
3.	Water?	—	—	✓
4.	Sewer and septic tanks?	—	—	✓
5.	Storm water drainage?	—	—	✓
6.	Solid waste disposal?	—	—	✓
7.	Substantial amounts of fuel or energy?	—	—	✓

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH	Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	<u>✓</u>
2.	Exposure of people to potential health hazards?	—	—	<u>✓</u>

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS	Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
		—	—	<u>✓</u>

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan, The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site?	—	—	<u>✓</u>
2.	Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object?	—	—	<u>✓</u>
3.	Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	—	—	<u>✓</u>
4.	Will the proposal restrict existing religious or sacred uses within the potential impact area?	—	—	<u>✓</u>

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE Yes Maybe No

- | | | | | |
|----|--|---|---|----------|
| 1. | 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 or eliminate important examples of the major periods of California history or prehistory? | — | — | <u>✓</u> |
| 2. | Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? | — | — | <u>✓</u> |
| 3. | does the project have impact which are individually limited, but cumulatively considerable? | — | — | <u>✓</u> |
| 4. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | — | — | <u>✓</u> |

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The financing, scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed VTSM in PPA-8 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will required important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162 (a)(2) State CEQA Guidelines).

Signature: _____

Date: _____

MODESTO CITY COUNCIL
RESOLUTION NO. 95-593

A RESOLUTION CERTIFYING ENVIRONMENTAL REVIEW OF THE VILLAGE ONE PRECISE PLAN OF AREA NO. 32 AND REZONING TO R-1 AS UNDERLYING ZONING TOGETHER WITH THE SPECIFIC PLAN SP-O OVERLAY ZONE, RELATING TO PROPERTY LOCATED ON THE SOUTH SIDE OF MERLE AVENUE, BETWEEN ROSELLE AVENUE AND CLAUS ROAD. (NOTTINGHAM PLACE)

WHEREAS, Lew-Garcia-Davis, Engineers, have filed a proposal to develop a 119-lot, single-family subdivision called Nottingham Place on a 19.7 acre site which comprises the east half of Precise Plan Area No. 32, located on the south side of Merle Avenue between Roselle Avenue and Claus Road, and

WHEREAS, on November 17, 1995, the City's Environmental Assessment Committee reviewed the proposed project relating to the Village One Precise Plan of Area No. 32 and rezoning, and made the determination that it was within the Scope of the Village One Final Supplemental Program EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Use of Previous EIR and findings for the proposed project relating to the Village One Precise Plan of Area No. 32 and rezoning, and the Council has determined said project to be within the scope of the Village One Final Supplemental Program EIR for the reasons set forth in the attached Initial Study, a copy of 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 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan,
McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	—	—	<u>✓</u>
2. Disruptions, displacements, compaction or overcovering of soil?	—	—	<u>✓</u>
3. Change in topography or ground surface?	—	—	<u>✓</u>
4. The destruction, covering or modification of any unique geologic or physical features?	—	—	<u>✓</u>
5. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>✓</u>
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	—	—	<u>✓</u>

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Proposed Village One Specific Plan Amendment No. 4.

The project site is relatively flat and has not been used as a landfill site, any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Substantial air emission or deterioration of ambient air quality?	—	—	<u>✓</u>

- | | | | | |
|-----|--|------------|--------------|-----------|
| | 2. The creation of objectionable odors? | — | — | <u>✓</u> |
| AIR | Will the proposal result in: | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
| | 3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? | — | — | <u>✓</u> |

Discussion: The project will have a very similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

- | | | | | |
|----------|---|------------|--------------|-----------|
| C. WATER | Will the proposal result in: | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
| | 1. Changes in currents, or the course of direction of fresh water movements? | — | — | <u>✓</u> |
| | 2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | — | — | <u>✓</u> |
| | 3. Alterations to the course of flow of flood waters? | — | — | <u>✓</u> |
| | 4. Change in the amount of surface water in any water body? | — | — | <u>✓</u> |
| | 5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | — | — | <u>✓</u> |

- | | | | | |
|----|--|---|---|----------|
| 6. | Alteration of the direction or rate of flow of ground waters? | — | — | <u>✓</u> |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | — | — | <u>✓</u> |
| 8. | substantial reduction in the amount of public water supply? | — | — | <u>✓</u> |
| 9. | Exposure of people or property to water related hazards such as flooding? | — | — | <u>✓</u> |

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|----------|
| 1. | Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | — | — | <u>✓</u> |
|----|---|---|---|----------|

PLANT LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|--|---|---|----------|
| 2. | Reduction of the numbers of any unique, rare or endangered species of plants? | — | — | <u>✓</u> |
| 3. | Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | — | — | <u>✓</u> |

4. Reduction in acreage of any agricultural crop? ___ ___ ✓

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|-----|-----|----------|
| 1. | Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)? | ___ | ___ | <u>✓</u> |
| 2. | Reduction of the numbers of any unique, rare or endangered species of animals? | ___ | ___ | <u>✓</u> |
| 3. | Introduction of new species of animals? | ___ | ___ | <u>✓</u> |
| | into the area, or result in a barrier to the migration or movement of animals? | ___ | ___ | <u>✓</u> |
| 4. | Deterioration to existing fish or wildlife habitat? | ___ | ___ | <u>✓</u> |

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant: Yes Maybe No

- | | | | | |
|----|--|-----|-----|----------|
| 1. | Increases in existing noise levels? | ___ | ___ | <u>✓</u> |
| 2. | Exposure of people to severe noise levels? | ___ | ___ | <u>✓</u> |

Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resource? Yes Maybe No
 _____ _____ ✓

Discussion: The proposed revisions to the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? _____ _____ ✓

2. Possible interference with an emergency response plan or an emergency evacuation plan? _____ _____ ✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal: Yes Maybe No

Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR? _____ _____ ✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not changed. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal: Yes Maybe No

Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?

___ ___ ✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change. Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant: Yes Maybe No

1. Generation of substantial additional vehicular movement? ___ ___ ✓
2. Effects on existing parking facilities, or demand for new parking? ___ ___ ✓
3. Substantial impact upon existing transportation systems? ___ ___ ✓
4. Alterations to present patterns of circulation or movement of people and/or goods? ___ ___ ✓
5. Alterations to rail or air traffic? ___ ___ ✓
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians? ___ ___ ✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. The Final Supplemental EIR found that any

additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Fire protection?	—	—	<u>✓</u>
2.	Police Protection?	—	—	<u>✓</u>
3.	Schools?	—	—	<u>✓</u>
4.	Parks or other recreational facilities?	—	—	<u>✓</u>
5.	Maintenance of public facilities, including roads?	—	—	<u>✓</u>
6.	Other governmental services?	—	—	<u>✓</u>

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY	Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Power or Natural gas?	—	—	<u>✓</u>
2.	Communications systems?	—	—	<u>✓</u>
3.	Water?	—	—	<u>✓</u>
4.	Sewer and septic tanks?	—	—	<u>✓</u>
5.	Storm water drainage?	—	—	<u>✓</u>
6.	Solid waste disposal?	—	—	<u>✓</u>
7.	Substantial amounts of fuel or energy?	—	—	<u>✓</u>

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|-----|
| 1. | Creation of any health hazard or potential health hazard (excluding mental health)? | — | — | — ✓ |
| 2. | Exposure of people to potential health hazards? | — | — | — ✓ |

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the Yes Maybe No
obstruction of any scenic vista or view open
to the public, or will the proposal result in the creation
of an aesthetically offensive site open to public view? — — — ✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan, The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES Yes Maybe No

- | | | | | |
|----|---|---|---|-----|
| 1. | Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? | — | — | — ✓ |
| 2. | Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? | — | — | — ✓ |
| 3. | Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | — | — | — ✓ |
| 4. | Will the proposal restrict existing religious or sacred uses within the potential impact | | | |

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed VTSM in PPA-32 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will required important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162 (a)(2) State CEQA Guidelines).

Signature: _____

John Mays, AIC

Date: _____

11-17-95

MODESTO CITY COUNCIL
RESOLUTION NO. 95-594

A RESOLUTION ACCEPTING THE BID OF CONCO WEST, INC. COMPANY FOR THE EVERGREEN SEWER LIFT STATION REHABILITATION PROJECT


WHEREAS, bids for the Evergreen Avenue Sewer Lift Station Rehabilitation project, were opened on November 21, 1995, and tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Conco-West, Inc. in the amount of \$90,500, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Conco-West, 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 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-595

A RESOLUTION ACCEPTING THE PROJECT TITLED "1995 STREET CAPE SEAL AND SLURRY SEAL PROJECT" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "1995 Street Cape Seal and Slurry Seal Project", has been completed by Graham Contractors, Inc., in accordance with the contract agreement dated July 18, 1995.

NOW, THEREFORE, BE IT RESOLVED that the 1995 Street Cape Seal and Slurry Seal Project be accepted from said contractor, Graham Contractors, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$458,139.71 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 December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-596

A RESOLUTION ACCEPTING THE PROJECT TITLED "JOHANSEN POOL SUPPORT BUILDING" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "Johansen Pool Support Building", has been completed by McDonald Glenn Company, Inc., in accordance with the contract agreement dated December 20, 1994.

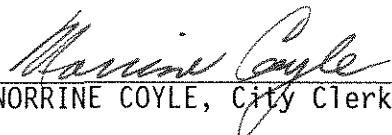
NOW, THEREFORE, BE IT RESOLVED that the Johansen Pool Support Building Project be accepted from said contractor, McDonald Glenn Company, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$433,765.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
NORRINE COYLE, City Clerk

Coyle

MODESTO CITY COUNCIL
RESOLUTION NO. 95-597

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 277 SIG-SAUER PISTOLS AND ACCESSORIES FROM THE SAN DIEGO POLICE EQUIPMENT COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 277 Sig-Sauer Pistols and Accessories from the San Diego Police Equipment Company is hereby waived.

BE IT FURTHER RESOLVED that purchase of 277 Sig-Sauer Pistols and Accessories from the San Diego Police Equipment Company for a not to exceed price of \$188,469.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-598

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$188,469 FOR PURCHASE OF REPLACEMENT FIREARMS FOR THE POLICE DEPARTMENT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Police Department - Salaries (010 190 1961 1110)	\$188,469
TO:	Police Department - Equipment (010 190 1961 5000)	\$188,469

Due to unfilled positions in the Fiscal Year 1995-96 Budget, funds became available to purchase the Police Department Standard Weapon, Sig-Sauer Models P-226 and P-228 pistols.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clubs

MODESTO CITY COUNCIL
RESOLUTION NO. 95-599

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PURCHASE OF GAS DETECTORS AND RELATED ACCESSORIES

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

SECTION 1. The specifications for the purchase of gas detectors and related accessories, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 9, 1996, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. 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 December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.95-600

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$157,000 FOR DEL ESTE WATER COMPANY ACQUISITION EXPENSES

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Del Este Water MID Areas (615 480 5051 0235)	\$107,000
	Del Este Water Non-MID Areas (616 480 5061 0235)	\$ 50,000
TO:	Del Este Water Acquisition (610 480 F707 0235)	\$157,000

On July 7, 1995, the City acquired the Del Este Water Company. Close-out bills for attorneys and transaction advisors exceeded the CIP appropriation for this project by \$107,000. A \$50,000 allocation is also needed to begin the appraisal of the Del Este satellite systems for possible sale for other entities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

C. L. B.

MODESTO CITY COUNCIL
RESOLUTION NO. 95-601

A RESOLUTION APPROVING REVISION OF THE YOUTH
FINANCIAL ASSISTANCE PROGRAM IN THE AREAS OF
INCOME LIMIT, QUALIFYING PROGRAMS, AND
MAXIMUM AGE LIMIT.

WHEREAS, in 1992, the Modesto City Council approved the Youth Financial Assistance Program (YFAP) to provide financial assistance to economically disadvantaged youth who wish to participate in City of Modesto recreation programs and/or City approved youth sports organizations, and

WHEREAS, in the four years following implementation of the program, funding has increased from \$10,000 to \$40,000 from the General Fund, and in FY 96, an additional \$5,000 was allocated from CDBG funds, providing a total of \$45,000, and

WHEREAS, card issuance in the program has increased from 156 youth in FY 94 to 203 youth in the first quarter of FY 96, and

WHEREAS, as part of the 95-96 work plan, the YFAP was increased by \$20,000, and since the inception of the program, the average amount of money used for each card issued is \$23.00, and

WHEREAS, if this average remains for 95-96, 1,957 cards will need to be issued to fully utilize the budgeted funds, and

WHEREAS, the revisions to the Youth Financial Assistance Program are designed to simplify the qualifying process so a larger number of low income youth will receive cards, low income groups will be enabled to rent City facilities,

and senior citizens will become eligible for financial assistance through this program, and

WHEREAS, approval of suggested changes in the Youth Financial Assistance Program will enhance the existing program in the following areas:

1. **Low Income Target Neighborhoods** - Will allow participants living in "low income target neighborhoods" in Modesto, as designated by Housing Urban Development (HUD) and used by the Community Development Department, Housing Office, to automatically qualify for the program after completing the appropriate form and showing proof of residency. Low income families living outside of the target neighborhoods will continue to qualify for the program. This will provide instant qualification without the application review process and the applicant's waiting period.

2. **Use a Different Standard to Determine Low Income Families** - The suggested income standard is the HUD chart for Stanislaus County, using the "lower income" levels. The HUD income standard will allow more families to qualify for the assistance program.

3. **Change the Maximum Age from 17 Years Old to 18 Years Old** - This will allow many high school seniors who are 18 years old to participate in the program.

4. **Include Senior Citizens** - Senior citizens 62 years of age and older, who meet the same requirements as outlined for

youth, will be eligible for the program which will be remaned "Youth and Senior Financial Assistance Program". This change will allow seniors, who stopped enrolling in classes when the 25% City subsidy for special interest classes was discontinued, to participate again by paying only 10% of the class fee.

5. Group Facility Rental Fee Assistance - Will allow Youth or Senior groups/organizations that have a majority of their members living in a "low income target neighborhood" to qualify for rental fee assistance for City owned facilities. Rental fees have increased since 1993 when the City began charging rental fees for ballfields, picnic areas, etc. This will enable qualified groups to use City facilities and pay 10% of the current rental fee, up to \$500 per fiscal year.

and

WHEREAS, on December 5, 1995, the Human Services Committee considered revision of the Youth Financial Assistance Program as outlined above, and has recommended approval of same,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revisions to the Youth Financial Assistance Program as set forth above, and as recommended by the Human Services Committee and City staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-602

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH DELEUW, CATHER AND COMPANY, DESIGN CONSULTANT FOR THE UNION PACIFIC RAILROAD PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and DeLeuw, Cather and Company, for the preparation of the final plans, specifications and estimates for the Kansas-Needham overpass, negotiation of the construction and maintenance agreement with Southern Pacific and Union Pacific for the overpass, assistance in preparation of rights-of-way plats and legal descriptions and handling the geotechnical aspects of the overpass design, an increase of \$487,035.

BE IT FURTHER RESOLVED that the execution of said amendment to the 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 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-603

REVISED

A RESOLUTION APPROVING THE 1995-96 FISCAL YEAR PROGRAM OF PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U.S. Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

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

1. That the attached Program of Projects attached hereto marked Exhibit "A" and incorporated herein by reference is hereby approved.

2. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file an application on behalf of the City of Modesto with the U.S. Department of Transportation to aid in the financing of planning, capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit "A" and incorporated herein by reference.

3. That the City Manager of the City of Modesto or his authorized designee is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

4. That the Transit Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

5. That the City Manager of the City of Modesto or his authorized designee is authorized to set forth and execute

affirmative disadvantaged business policies in connection with the Program of Projects.

6. That the City Manager of the City of Modesto or his authorized designee is authorized to execute grant agreements on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.

7. That the Personnel Director of the City of Modesto is authorized to execute the Drug Free Workplace Act certification 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 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FY 1995/96 SECTION 9 and CMAQ PROGRAM OF PROJECTS

Urbanized Area:	Modesto, CA	Apportionment for 95/96:	\$1,910,474
Designated Recipient:	Stanislaus Area Association of Governments	Carryover funds:	\$440,046
		Transfer funds:	\$0
Grantee:	City of Modesto	Total Federal Funds Available:	\$2,350,520

I. CAPITAL PROJECTS SECTION 9

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
1. Refurbish 9 1983 Gillig Phantoms	\$106,000	\$424,000	\$530,000
2. Purchase 3 Transit Buses	\$158,000	\$632,000	\$790,000
3. Associated Capital Maintenance Items	\$20,000	\$80,000	\$100,000
4. Litter Containers	\$5,000	\$20,000	\$25,000
5. Spare Transmission	\$4,000	\$16,000	\$20,000
6. Tank Removal/Soil Cleanup/New Tanks	\$57,600	\$230,400	\$288,000
7. Compact Pickup Truck	\$3,000	\$12,000	\$15,000
8. Capital Cost of Contracting for Demand Response	\$20,000	\$80,000	\$100,000
9. Purchase Bus Benches	\$15,000	\$60,000	\$75,000
10. Bus Stop Signs	\$6,000	\$24,000	\$30,000
11. Passenger Shelters	\$2,400	\$9,600	\$12,000
12. Bus Stop Improvements	\$5,000	\$20,000	\$25,000
13. Computers/Upgrades	\$6,861	\$27,443	\$34,304
14. Display Panel	\$400	\$1,600	\$2,000
15. Event Tent	\$120	\$480	\$600
16. Wheelchair Lift Remote Tester	\$360	\$1,440	\$1,800
17. Hose Reels and Pumps	\$1,000	\$4,000	\$5,000
18. Replace Radio Repeater	\$2,600	\$10,400	\$13,000
19. Purchase Van for Ceres DAR	\$10,000	\$40,000	\$50,000
20. Bus Maint. Facility Planning, Preliminary. Eng. and Environ. Doc.	\$48,000	\$192,000	\$240,000
Sub Total Capital Projects	\$471,341	\$1,885,363	\$2,356,704

II. OPERATING ASSISTANCE SECTION 9 for period of 7/1/95 to 6/30/96

	<u>Local</u>	<u>Federal</u>	<u>Total</u>
Sub Total	\$4,045,058	\$455,511	\$4,500,569

TOTAL SECTION 9	\$4,516,399	\$2,340,874	\$6,857,273
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III. CMAQ PROJECTS

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
1. AVL/Smart Fare Collection/GPS	\$52,762	\$407,238	\$460,000
2. AVL for Demand Response	\$4,818	\$37,182	\$42,000
3. Purchase One Trans Bus w/over-the-road amenities	\$28,389	\$219,111	\$247,500
4. Operate new service for two years	\$8,029	\$61,971	\$70,000
Sub Total CMAQ Projects	\$93,998	\$725,502	\$819,500

TOTAL SECTION 9 and CMAQ	\$4,610,397	\$3,066,376	\$7,676,773
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MODESTO CITY COUNCIL
RESOLUTION NO. 95-603

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION AND ALL GRANT RELATED DOCUMENTS REQUESTING \$3,521,887 FROM THE FEDERAL TRANSIT ADMINISTRATION TO HELP OFFSET THE OPERATING AND CAPITAL COSTS OF MODESTO'S PUBLIC TRANSIT SYSTEMS.

WHEREAS, the City's FY 1995/96 apportionment of Federal Transit Administration (FTA) Operating Assistance funds is anticipated to be \$455,511, and

WHEREAS, FTA funds restricted to transit capital purposes and specified operating expenses plus Congestion Management and Air Quality (CMAQ) funds available for transit use are anticipated to be available in the amount of \$2,620,511, and

WHEREAS, the FTA capital funds consist of our anticipated FY 1995/96 apportionment and funds carried over from previous years' apportionments, and

WHEREAS, a copy of the Program of Projects for which federal transit funds are being requested is attached hereto as Exhibit "A", and

WHEREAS, the City anticipates spending about \$5,654,569 to operate Modesto's transit systems during this fiscal year, and

WHEREAS, we anticipate that fares of \$1,144,000 and bus bench franchise revenues of \$10,000 will generate a total of about \$1,154,000 in revenue, leaving an operating deficit of \$4,500,569, and

WHEREAS, by combining our anticipated FY 1995/96

apportionment of Operating Assistance funds (\$455,511) with FTA Capital funds available for specific operating costs (\$160,000), the City should be able to utilize as much as \$615,511 in FTA funds for operating budget purposes, and

WHEREAS, local funds of \$3,885,058 for Operating Assistance will come from the City's and Stanislaus County's Local Transportation Fund and State Transit Assistance Funds, and

WHEREAS, the Capital projects total is \$2,976,204, and FTA and CMAQ funds are anticipated to cover \$2,450,865 of this cost, leaving a local match of \$525,339 needed, and

WHEREAS, FTA capital funds not applied for during this fiscal year will be carried over to the next fiscal year and be available to fund other transit capital projects, and

WHEREAS, the projects in the grant application are identical to those in the current CIP approved by the City Council with the exception of Project #4 Litter Containers, Project #9 Benches, Project #18 Radio Repeater, Project #19 Van for Ceres Dial-a-Ride (Ceres is part of the Modesto Urbanized Area to which FTA funds are distributed), Project #20 Bus Maintenance Facility Planning and all of the CMAQ projects except for the AVL system for Dial-A-Ride, and

WHEREAS, the projects which are not consistent with the CIP include some which are funded at a lower level in the CIP and some which are not included in the CIP at all, and

WHEREAS, for projects which are not consistent with the

current CIP, City staff will include them in next year's CIP and proceed with them only upon approval of the CIP or after specific Council approval to proceed has been obtained,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute and file a grant application with the FTA to obtain funds in the amount of \$3,521,887 to partially offset the cost of the City's FY 1995/96 transit operations and capital costs.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute and submit all other documents which may be necessary relating to the aforementioned grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FY 1995/96 SECTION 9 and CMAQ PROGRAM OF PROJECTS

Urbanized Area:	Modesto, CA	Apportionment for 95/96:	\$1,910,474
Designated Recipient:	Stanislaus Area Association of Governments	Carryover funds:	\$440,046
		Transfer funds:	\$0
Grantee:	City of Modesto	Total Federal Funds Available:	\$2,350,520

I. CAPITAL PROJECTS SECTION 9

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
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9. Purchase Bus Benches	\$15,000	\$60,000	\$75,000
10. Bus Stop Signs	\$6,000	\$24,000	\$30,000
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20. Bus Maint. Facility Planning, Preliminary. Eng. and Environ. Doc.	\$48,000	\$192,000	\$240,000
Sub Total Capital Projects	\$471,341	\$1,885,363	\$2,356,704

II. OPERATING ASSISTANCE SECTION 9 for period of 7/1/95 to 6/30/96

	<u>Local</u>	<u>Federal</u>	<u>Total</u>
Sub Total	\$4,045,058	\$455,511	\$4,500,569

TOTAL SECTION 9	\$4,516,399	\$2,340,874	\$6,857,273
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III. CMAQ PROJECTS

<u>Project Description</u>	<u>Local</u>	<u>Federal</u>	<u>Total</u>
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4. Operate new service for two years	\$8,029	\$61,971	\$70,000
Sub Total CMAQ Projects	\$93,998	\$725,502	\$819,500

TOTAL SECTION 9 and CMAQ	\$4,610,397	\$3,066,376	\$7,676,773
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Check

MODESTO CITY COUNCIL
RESOLUTION NO. 95-604

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:

Golf Services Manager

The job specification for the classification of Golf Services Manager (Range 441), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Golf Superintendent

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after December 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

GOLF SERVICES MANAGER

DEFINITION

To manage the activities of the City's golf program, including contract management services for the maintenance and operation of the City Golf Courses, the food concessions and the golf professional; to coordinate golf activities with other divisions and departments and the general public and to provide highly complex staff assistance to the Parks and Recreation Director.

SUPERVISION RECEIVED AND EXERCISED

Receive general direction from the Director or an Assistant Director of Parks and Recreation.

Exercise administration over contract services to insure contract compliance; supervise clerical personnel; coordinate, marketing and promotions and technical activities. May exercise supervision over supervisory and/or maintenance staff.

EXAMPLES OF DUTIES - may include but are not limited to the following:

Prepare and administer the annual operating and capital improvement budgets for the City's golf enterprise fund, including revenue accounts.

Manage the financial aspects of the golf fund including revenue projections, detailed financial reports and analysis.

Compile and present regular reports on golf course usage and revenues; make recommendations on changes to the Golf proforma and/or rate structures.

Administer the golf professional agreement including starting duties and driving ranges, receiving and accounting for all City monies and all other activities in connection with the City's interest in the starter, driving range, marshalling program and clubhouse operations.

Administer food concession agreements including monitoring performance and operation of those agreements.

Administer the agreement for maintenance and operation activities of the golf courses including monitoring performance standards, compliance with terms and operations.

Administer other outside and internal forces performing repairs and maintenance to golf course facilities.

EXAMPLES OF DUTIES, Continued:

Manage the computerized golf management system.

Make regular inspection tours of all golf facilities to determine adequacy of maintenance. Direct changes and improvements as necessary and take corrective action if needed.

Prepare, review and/or recommend plans for the modification and improvement of tees, greens, fairways, cart paths, roadways, parking lots, buildings and other golf course assets.

Direct marketing and promotional activities for the golf courses.

Prepare news releases, newsletters, information bulletins and special announcements; arrange publicity programs.

Prepare and administer the annual work program for the golf division.

Coordinate the city golf program with school and golf club programs and meet regularly with these groups to discuss changes in rules, use or City policies.

Provide staff support to the Modesto Golf Courses Committee.

Act as a liaison to Golf Clubs who are affiliated with the Modesto Golf Courses.

Review, investigate and respond to inquires and complaints.

Make frequent oral presentations.

Perform related duties as required.

QUALIFICATIONS

Knowledge of:

Material, methods, technical practices and equipment used in golf course operations.

Levels and types of maintenance and repair activities generally performed in a golf course maintenance operation.

Principles and practices of contract negotiation and management.

Knowledge of, Continued:

Principles and practices of supervision, training and personnel management.

Methods used in the maintenance of golf courses, including the care and maintenance of grass, greens, turf diseases, chemicals, integrated pest management concepts and turf conditions including diseases.

Budgeting procedures and techniques.

Marketing and promotion techniques.

Current research methods and statistics.

Record keeping and reporting procedures.

Golf professional industry.

Food and concession industry related to golf courses.

Computer applications specifically related to golf activities and necessary for the completion of complex analytical and statistical reports.

Ability to:

Administer and manage contract services performing maintenance and operation activities, golf professional activities and food and concession activities on golf courses.

Prepare and monitor a budget; provide periodic reports on status of the golf enterprise fund; identify areas differing from the budget plan.

Communicate clearly, concisely and effectively, both orally and in writing.

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

Conduct studies, prepare comprehensive reports including the preparation of financial statements.

Understand and apply pertinent laws, rules and regulations.

Experience

Five (5) years of experience of a progressively responsible nature in organized public golf course activities, including supervisory experience over both maintenance, concession and golf professional activities.

Status as a Class A Superintendent as designated by the Golf Course Superintendent's Association.

Education

Equivalent to graduation from an accredited four year college or university with major course work in horticulture, agronomy or a related field and other course work in business management and/or marketing.

License or Certificate

Possession of, or ability to obtain, a valid Class 3 driver's license issued by the California Department of Motor Vehicles at time of appointment.

Certification as a Certified Golf Course Superintendent as designated by the Golf Course Superintendent's Association is highly desirable.

Pesticide Applicators Certificate issued by the State of California is required within one year of appointment.

Pest Control Advisor's License issued by the State of California is required within two years of appointment.

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MODESTO CITY COUNCIL
RESOLUTION NO. 95-605

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-310, TO AMEND THE CLASS
RANGE TABLE FOR GOLF SERVICES MANAGER.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective June 27, 1995, attached to Resolution No. 95-310, 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 12, 1995", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adopts class specifications for Golf Services Manager at Range 441 and abolishes class specifications for Golf Superintendent (Range 441).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective December 12, 1995

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Custodian Supervisor Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Systems Analyst

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager
Museum Supervisor

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Historical Buildings Supervisor
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 3

433	Assistant Civil Engineer Laboratory Supervisor Assistant Traffic Engineer
434	Senior Programmer Analyst Electrical Supervisor Engineering Systems Manager Sr. Housing Rehab. Specialist Public Works Supervisor II Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Systems Manager
435	Management Analyst Deputy City Attorney I Senior Personnel Analyst Budget Officer Financial/Investment Officer Administrative Services Officer Integrated Waste Specialist
436	Senior Planner
437	
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Business Development Officer Parks Planning and Development Manager Communications and Marketing Manager
439	Deputy City Attorney II Associate Civil Engineer Associate Traffic Engineer
440	Purchasing Officer

Class Range Table
Management and Confidential Non-Sworn Class
Page 4

441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Superintendent
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal
Golf Services Manager

442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager

446 Senior Civil Engineer
Traffic Engineer

447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager

448 Sr. Deputy City Attorney II

449

Class Range Table
Management and Confidential Non-Sworn Class
Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

Personnel Resolution re: Salary Schedule
and Classification Plan

- 2 - Clerk
- 1 - Attorney
- 1 - Personnel
- 1 - Department involved (*Parks & Recreation*)
- 1 - Finance

6

MODESTO CITY COUNCIL
RESOLUTION NO. 95-606

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE COLLECTION OF CITY OF MODESTO JAIL BOOKING FEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Stanislaus County for the collection of City of Modesto jail booking fees be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

3012

MODESTO CITY COUNCIL
RESOLUTION NO. 95-607

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND THE HOUSING AUTHORITY OF STANISLAUS COUNTY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and the Housing Authority of Stanislaus County for special police services to the Westview Gardens Housing Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 12th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Clerk 230

MODESTO CITY COUNCIL
RESOLUTION NO. 95-608

A RESOLUTION APPROVING THE FINAL MAP OF THE
PARKER PLACE NO. 1 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Redev Inc., a California corporation, is
possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 1.38 acres, known as the
Parker Place No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the City Council on the 19th day of July, 1994, 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 Parker Place No. 1
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, all public improvements required by the City
of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
improvements completed in said tract be accepted; that the
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.

BE IT FURTHER RESOLVED that subdivider shall file with this agreement security as set forth in Section 4-4.605(b) of the Modesto Municipal Code or in a form approved by the City Attorney's Office. The security shall, as required by Section 66499.3(b) of the Government Code of the State of California, secure the obligations set forth in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California for payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for said improvement, and shall be in an amount equal to fifty percent (50%) of the total estimated cost of the improvement.

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 December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Mike Milich*
MICHAEL D. MILICH, City Attorney

RESOLUTION APPROVING FINAL SUBDIVISION MAP

- 2 - Clerk
- 1 - Attorney
- 1 - Engineering
- 1 - Planning
- 1 - Parking & Traffic
- 1 - Bank
- 1 - Subdivider

Clerk 53

MODESTO CITY COUNCIL
RESOLUTION NO. 95-609

A RESOLUTION APPROVING THE FINAL MAP OF THE
PARKER PLACE NO. 2 SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Redev Inc., a California corporation, is
possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 10.01 acres, known as the
Parker Place No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the City Council on the 19th day of July, 1994, 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 Parker Place 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, all public improvements required by the City
of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that said final map be approved; that the
improvements completed in said tract be accepted; that the
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.

BE IT FURTHER RESOLVED that subdivider shall file with this agreement security as set forth in Section 4-4.605(b) of the Modesto Municipal Code or in a form approved by the City Attorney's Office. The security shall, as required by Section 66499.3(b) of the Government Code of the State of California, secure the obligations set forth in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California for payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for said improvement, and shall be in an amount equal to fifty percent (50%) of the total estimated cost of the improvement.

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 December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-610

A RESOLUTION APPROVING THE FINAL MAP OF THE
WYLDEWOOD SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Valerie Wylie, is possessed of a tract of land
situate in the City of Modesto, County of Stanislaus, consisting
of 2.39 acres, known as the Wyldewood Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 2nd day of
January, 1990, 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 Wyldewood 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
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 subdividers

have 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 Agreement hereinafter referred to.

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 December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 95-611

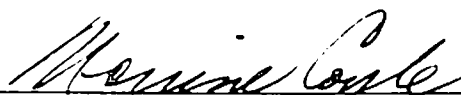
A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL CARE, INC. FOR MAINTENANCE OF CITY GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Environmental Care, Inc. for maintenance of City golf courses be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for services 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 12th day of December, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: 
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-612

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE APPROPRIATE TRANSFERS OF FUNDS WITHIN THE GOLF FUND CONSISTENT WITH PROVISIONS OF AGREEMENT WITH ENVIRONMENTAL CARE, INC. FOR MAINTENANCE OF CITY OF MODESTO MUNICIPAL GOLF COURSES

WHEREAS, the City of Modesto has entered into an agreement with Environmental Care, Inc. for maintenance of the City of Modesto's municipal golf courses; and

WHEREAS, this contract represents a significant change to the Golf Fund's budget and fund balance, as well as changes in revenue and appropriations for other funds such as transfers within the Golf Fund to reflect the contract amount and the rearrangement of existing appropriations; estimates of new revenue resulting from transfers from other funds that chose to purchase equipment, supplies and materials from the Golf Fund; and estimates of new revenue from the sale of equipment, supplies and materials to Environmental Care, Inc.,

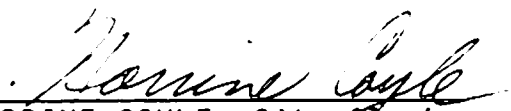
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager be authorized to make appropriate transfers of funds within the Golf Fund consistent with the provisions of the agreement with Environmental Care, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 1995, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, McKinsey, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs


NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 95-613

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SECOND MUNICIPAL ELECTION (RUNOFF ELECTION) WHICH WAS HELD IN THE CITY OF MODESTO ON DECEMBER 12, 1995, AND DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, on Tuesday, November 7, 1995, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County, to elect the following:

1. One Mayor, for the City of Modesto for a term of four years;
2. One Councilmember to Chair No. 1, for a term of four years;
3. One Councilmember to Chair No. 3, for a term of four years;
4. One Councilmember to Chair No. 4, for a term of two years;
5. One Councilmember to Chair No. 6, for a term of four years, and
6. Three members to the Modesto Board of Education of said District, for a term of four years,

and

WHEREAS, said election was held on Tuesday, November 7, 1995, 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 regular 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 November 13, 1995, and

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 municipal election shall be held at which the two candidates receiving the highest number of vote at the first election shall have their names on the ballot for election to the office, and

WHEREAS, a majority vote was not cast for Councilmember for Chairs Nos. 4 and 6, and by Council Resolution No. 95-541, adopted on November 14, 1995, the Council set a second municipal election (runoff election) to be held on Tuesday, December 12, 1995, and

WHEREAS, said second municipal (runoff election) was conducted by mail-in ballot as authorized by the Charter of the City of Modesto, and

WHEREAS, the City Clerk canvassed the returns of said second municipal election, (runoff 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 December 12, 1995, a copy of which is attached 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 22933 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) For what office each person was voted for.
- (d) The number of votes given in the city to each person.

SECTION 3. That 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 his/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:

Mike Serpa Councilmember, for a term of two years,
Chair No. 4, Modesto City Council

Tim Fisher Councilmember, for a term of four years,
Chair No. 6, Modesto City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of December, 1995, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Michael D. Milich
MICHAEL D. MILICH, City Attorney

CERTIFICATE OF CANVASS
AND STATEMENT OF VOTE

CITY OF MODESTO
SECOND REGULAR MUNICIPAL ELECTION

December 12, 1995

I, Norrine Coyle, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 14, 1995, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on December 12, 1995, in accordance with Modesto City Council Resolution No. 67-36. The following are the results of said election:

Chair 4, Modesto City Council (Short Term)

Jesse Alexander	10,618	49.9%
Mike Serpa	10,646	50.0%

Chair 6, Modesto City Council

Larry D. McCormick	8,346	38.9%
Tim Fisher	13,072	61.0%

Voter Turnout

City of Modesto	21,945	27.1%
-----------------	--------	-------

December 15, 1995



 Norrine Coyle
 City Clerk & Auditor
 City of Modesto

EXHIBIT "A"